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BEFORE THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD PERMITTING  
AND ENFORCEMENT COMMITTEE

IN THE MATTER OF THE: )  
 )  
PERMITTING AND )  
ENFORCEMENT COMMITTEE  
 )  
\_\_\_\_\_  
 )

DATE AND TIME: WEDNESDAY,  
NOVEMBER 5, 1997  
9:30 A.M.

PLACE: BOARD  
HEARING ROOM 8800 CAL  
CENTER  
DRIVE  
SACRAMENTO  
,  
CALIFORNIA

REPORTER: BETH C.  
DRAIN, RPR, CSR

CERTIFICATE NO. 7152

BRS FILE NO.: 42616

APPEARANCES

MR. ROBERT FRAZEE, CHAIRMAN  
MR. STEVEN R. JONES, MEMBER  
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, EXECUTIVE DIRECTOR MR.  
KEITH SMITH, DEPUTY DIRECTOR  
MR. ELLIOT BLOCK, LEGAL COUNSEL

MS. LORI LOPEZ, COMMITTEE SECRETARY

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1                   SACRAMENTO, CALIFORNIA;

2                   WEDNESDAY, NOVEMBER 5TH, 1997

3                   9:30 A.M.

4

5                   CHAIRMAN FRAZEE: MEETING WILL COME TO  
6 ORDER, PLEASE. THIS IS THE NOVEMBER 5TH MEETING OF  
7 THE PERMITTING AND ENFORCEMENT COMMITTEE OF THE  
8 INTEGRATED WASTE MANAGEMENT BOARD. SECRETARY WILL  
9 CALL THE ROLL, PLEASE.

10                  THE SECRETARY: BOARD MEMBER JONES.

11                  MEMBER JONES: HERE.

12                  THE SECRETARY: BOARD MEMBER RELIS.

13                  MEMBER RELIS: HERE.

14                  THE SECRETARY: CHAIRMAN FRAZEE.

15                  CHAIRMAN FRAZEE: HERE. ALL MEMBERS ARE  
16 PRESENT.

17                  DO WE HAVE ANY EX PARTE  
18 COMMUNICATIONS TO DISCLOSE THIS MORNING?

19                  MEMBER JONES: I DO, MR. CHAIRMAN. I HAVE  
20 FOUR. I SPOKE BRIEFLY WITH TERRY EGAN, SAID HELLO  
21 TO GEORGE LARSON, MET WITH MR. KENNEDY FROM INYO  
22 COUNTY TO SEE HOW WE WERE DOING IN INYO COUNTY, AND  
23 WITH MR. DON ANDRES, WHO'S REPRESENTING EDMOND HILL  
24 ON THAT ITEM.

25                  CHAIRMAN FRAZEE: MR. RELIS.

1                   BOARD MEMBER RELIS:   JUST TERRY -- I'M  
2       SORRY, YOUR LAST NAME -- FROM SAN DIEGO.   WHERE ARE  
3       YOU?   DAVE TERRY, JUST SAID HELLO.   THAT'S IT.

4                   CHAIRMAN FRAZEE:   OKAY.   AND MINE ARE ALL  
5       RECORDED.

6                   BY WAY OF ANNOUNCEMENTS, BEFORE WE  
7       BEGIN THE AGENDA, FIRST OF ALL, THE USUAL  
8       PROCEDURE.   IF YOU WISH TO SPEAK ON ANY ITEM ON  
9       TODAY'S AGENDA, THERE ARE SPEAKER SLIPS AT THE BACK  
10      TABLE.   IF YOU FILL THOSE OUT AND BRING THEM  
11      FORWARD TO THE COMMITTEE SECRETARY, SO WE CAN CALL  
12      UPON YOU AT THE APPROPRIATE TIME.

13                  THE -- IT'S THE INTENTION OF THE  
14      CHAIR TO TAKE ONE ITEM OUT OF ORDER TODAY AND THEN  
15      PROCEED WITH THE BALANCE OF THE AGENDA AS IT IS.  
16      FIRST, LET'S HAVE THE DEPUTY DIRECTOR'S REPORT.

17                  MS. RICE:   GOOD MORNING, MR. CHAIRMAN AND  
18      MEMBERS.   I'LL BE VERY BRIEF IN THE INTEREST OF  
19      GETTING TO TODAY'S AGENDA, WHICH IS LENGTHY.   ONE  
20      BRIEF ITEM, WHICH IS A CARRY-OVER FROM LAST MONTH,  
21      IS MY REPORT TO YOU COVERING DELEGATED APPROVALS  
22      FOR THE THIRD QUARTER OF 1997.

23                  THE MEMO OUTLINING THE DETAIL OF ALL  
24      OF THOSE APPROVALS IS ON ITS WAY TO YOU TODAY.   AS  
25      SOME VERY BRIEF HIGHLIGHTS, IT DOES INCLUDE SIX

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1       MODIFIED PERMITS, EIGHT TIRE -- 18 TIRE ENFORCEMENT  
2       ORDERS, AND ONE FINAL CLOSURE PLAN APPROVAL. AS I  
3       INDICATED, COPIES ARE ON THEIR WAY TO YOU WITH ALL  
4       OF THE NAMES OF THE FACILITIES AND THE DETAIL. IF  
5       YOU HAVE ANY QUESTIONS, AFTER YOU'VE HAD TIME TO  
6       REVIEW IT, FEEL FREE TO CALL ME AND I'LL PROVIDE  
7       THAT.

8                   ALSO, IF ANY MEMBER OF THE AUDIENCE  
9       WOULD LIKE A COPY OF THE MEMO, JUST LEAVE YOUR CARD  
10      WITH ME AT SOME POINT AND I'LL MAKE SURE THAT YOU  
11      GET THAT MEMO AS WELL.

12                   SECONDLY, A VERY BRIEF UPDATE ON  
13      ENFORCEMENT ORDERS THAT WE ARE AWARE OF THAT HAVE  
14      BEEN ISSUED UNDER THE AUTHORITY OF THE CHIPPING AND  
15      GRINDING REGULATIONS, THE STORAGE AND CHIPPING AND  
16      GRINDING REGULATIONS.

17                   WE ARE AWARE OF A NUMBER OF ACTIONS  
18      WITHIN RIVERSIDE COUNTY, I BELIEVE TWO ENFORCEMENT  
19      LETTERS AND ONE CEASE AND DESIST ORDER, AND MY  
20      UNDERSTANDING IS THAT THEY HAVE HAD AN IMPACT IN  
21      TERMS OF BRINGING ABOUT A BETTER OUTCOME.

22                   WITHIN ORANGE COUNTY WE ARE AWARE OF  
23      A CEASE AND DESIST ORDER WHICH ALSO HAS BEEN  
24      EFFECTIVE IN STOPPING THE ACTIVITY THAT WAS  
25      OCCURRING. AT THIS TIME I DON'T HAVE REPORTS IN

1 FROM ALL COUNTIES AND WILL PROBABLY TRY, IN THE  
2 INTEREST OF TIME, TO PREPARE A WRITTEN REPORT THAT  
3 I CAN PROVIDE YOU BETWEEN NOW AND THE NEXT MEETING.  
4 AND IN THE INTEREST OF BREVITY, THAT CONCLUDES MY  
5 REPORT.

6 CHAIRMAN FRAZEE: OKAY. THANK YOU.

7 MR. CHANDLER, DO YOU HAVE ANYTHING?

8 MR. CHANDLER: NOTHING THIS MORNING, MR.  
9 CHAIRMAN. THANK YOU.

10 CHAIRMAN FRAZEE: NOW WE'RE GOING TO TAKE  
11 ITEM 9 OUT OF ORDER IN ORDER TO ACCOMMODATE THE  
12 TRAVEL ARRANGEMENTS. THIS IS THE CONSIDERATION OF  
13 PROGRESS MADE BY THE INYO COUNTY DEPARTMENT OF  
14 ENVIRONMENTAL HEALTH SERVICES AS THE LOCAL  
15 ENFORCEMENT AGENCY FOR INYO COUNTY DURING THE  
16 SIX-MONTH PROBATIONARY STATUS. STAFF REPORT.

17 MS. RICE: THANK YOU, MR. CHAIRMAN. MARY  
18 COYLE AND GABE ABOUSHANAB OF STAFF WILL MAKE THE  
19 PRESENTATION ON THIS ITEM.

20 MS. COYLE: GOOD MORNING, MR. CHAIRMAN  
AND

21 MEMBERS. THIS ITEM IS TO UPDATE YOU ON THE STATUS  
22 OF THE SIX-MONTH PROBATIONARY STATUS OF INYO  
COUNTY

23 LOCAL ENFORCEMENT AGENCY BASED ON SOME EVALUATION  
24 CONCERNS THAT WE HAD. THE COMMITTEE AND THE BOARD

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25 IN MARCH OF THIS YEAR PLACED INYO COUNTY ON A

1 SIX-MONTH PROBATIONARY, SO WE'RE BACK TO REPORT ON  
2 THAT STATUS.

3 IN ADDITION TO THE SIX-MONTH  
4 PROBATIONARY, THERE WAS ALSO A CLAUSE THAT IF THEY  
5 FAILED TO TAKE ANY ENFORCEMENT ACTION, WE, THE  
6 BOARD, COULD ASSUME THAT ROLE. SO GABE ABOUSHANAB  
7 WILL PROVIDE YOU WITH THE UPDATE OF WHERE THEY ARE  
8 IN IMPLEMENTING THEIR REQUIRED ACTIONS.

9 MR. ABOUSHANAB: MORNING, CHAIRMAN AND  
10 BOARD MEMBERS. I'M GABE ABOUSHANAB, AND AS MARY  
11 MENTIONED, STAFF IS HERE BEFORE YOU AS A FOLLOW-UP  
12 TO THE MARCH '97 COMMITTEE AND BOARD MEETINGS.

13 INYO COUNTY LEA PERFORMANCE DURING  
14 ITS SIX-MONTH PROBATIONARY PERIOD IS SUMMARIZED IN  
15 ATTACHMENT 1 OF THIS ITEM. I WOULD LIKE TO DIRECT  
16 YOUR ATTENTION TO ATTACHMENT 1, WHICH IS ON PAGE 6  
17 OF THE ITEM.

18 BRIEFLY, THE LEA'S OUTSTANDING WORK  
19 PLAN TASKS WERE BASED ON THE APPROVED JURISDIC-  
20 TIONAL COMPLIANCE PROPOSAL. THEY'RE OUTLINED IN  
21 THE FIRST COLUMN. THESE TASKS WERE DISCUSSED BACK  
22 IN MARCH, AND THE ORIGINAL COMPLIANCE DATES ARE  
23 OUTLINED IN THE FIRST COLUMN. THEN SUBSEQUENT TO  
24 THE MARCH MEETING, THE PROBATIONARY COMPLIANCE  
25 DATES ARE OUTLINED IN THE SECOND COLUMN. THEIR

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1 STATUS TO DATE IS THE LAST COLUMN, AND I WILL  
2 BRIEFLY GO OVER WHERE THEY STAND.

3 FOR LONE PINE, SITE SECURITY AND SITE  
4 ATTENDANT HAVE BEEN ACCOMPLISHED. THE LONE PINE  
5 CEQA DOCUMENTATION IS COMPLETE.

6 FOR INDEPENDENCE, SITE SECURITY IS  
7 COMPLETE. FOR INDEPENDENCE ALSO, DAILY COVER IS  
8 COMPLETE, AND THE SITE ATTENDANT IS COMPLETE TOO.  
9 INDEPENDENCE LITTER CONTROL IS IN PLACE AND  
10 COMPLETE, AND THE CEQA DOCUMENTATION IS COMPLETED.  
11 I'M HAPPY TO SAY THAT FINANCIAL ASSURANCE FOR  
12 CLOSURE AND POSTCLOSURE MAINTENANCE WAS APPROVED IN  
13 JUNE OF '97.

14 AND SUBSEQUENT TO PREPARING THIS  
15 ITEM, I SPOKE WITH THE LEA, AND A NUMBER OF OTHER  
16 ACCOMPLISHMENTS ARE HERE TO REPORT. THE BERMS ON  
17 BISHOP SITE HAVE BEEN REDUCED TO ABOUT HALF THE  
18 SIZE. THOSE HAVE THE BRUSHES AND GREEN WASTE. THE  
19 TIRE FENCE WORK IS UNDER WAY. LARGE AND RIM TIRES  
20 HAVE BEEN REMOVED. THEY HAVE A NEW PERSON, AND  
21 THEY'VE CONTRACTED WITH A TRAILER AT THE GATE TO  
22 HAUL AWAY TIRES, SO THERE WILL BE NO MORE TIRES  
23 ADDED TO THE EXISTING PILE. THE CHIPPING AND  
24 GRINDING OPERATION WAS MOVED CLOSE TO THE GATE SO

25        THAT COULD BE ACCOMPLISHED ON A DAILY BASIS TO  
             11



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1        AVOID ACCUMULATING GREEN WASTE FOR CHIPPING.    AND  
2        THE BERM METHOD OF OPERATING THE WORKING FACE IS  
3        REVISED.    NO MORE NEW BERMS TO BE CREATED, AND THE  
4        PEOPLE THERE ARE COMPACTING AND COVERING ALL THE  
5        TIME TO AVOID LITTER PROBLEMS.

6                    AND OUTSIDE THIS LIST OF  
7        ACCOMPLISHMENTS, SHOSHONE CLOSURE PLANS WERE  
8        SUBMITTED ON TIME, WHICH WAS OCTOBER 1ST.

9                    IN ESSENCE, THIS CONCLUDES MY  
10       PRESENTATION OF WHAT'S ACCOMPLISHED.    MOST OF THE  
11       OUTSTANDING TASKS WERE OF THE PERMITTING NATURE,  
12       AND ISSUES WERE UNANTICIPATED AND DISCOVERED AS  
THE

13       PROCESS WENT ALONG.    THESE ARE IN SPECIFIC  
OUTLINE

14       ON PAGE 3 OF THE ITEM UNDER -- I'M SORRY -- IT'S  
15       UNDER PAGE 4 OF THE ITEM UNDER KEY ISSUES IF YOU  
16       WANT TO KNOW THE PARTICULAR OUTSTANDING ITEMS FOR  
17       THE PERMIT RELATED ISSUES.

18                    I WILL TURN IT OVER TO MARY TO GO  
19       OVER THE NEXT ITEM, WHICH IS, I BELIEVE,  
RECOMMEN-

20       DATION FOR STAFF UNLESS YOU HAVE QUESTIONS.

21 CHAIRMAN FRAZEE: QUESTIONS?

22 MEMBER JONES: I'LL WAIT TILL I HEAR THE  
23 RECOMMENDATIONS.

24 MS. COYLE: INCLUDED IN THE AGENDA ITEM  
ON

25 PAGES 2 AND 3 ARE THE OPTIONS AVAILABLE TO THE

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1 COMMITTEE AND BOARD. BASED ON THE STATUS AND ALL  
2 THE ACTIVITIES THAT HAVE BEEN DONE IN INYO COUNTY  
3 BY THE LEA, WE ARE -- STAFF IS RECOMMENDING THAT  
4 THEY BE CONTINUED ON A SIX-MONTH PROBATIONARY LEA  
5 STATUS UNTIL APRIL OF '98 SO THAT WE CAN CONTINUE  
6 OUR OVERSIGHT AS TO THEIR PROGRESS AND COME BACK  
7 AND REPORT TO THE BOARD AT THAT TIME.

8 OUR RESOLUTION THAT WE'RE  
9 RECOMMENDING ALSO INCLUDES A STATEMENT THAT IF AT  
10 ANY TIME THE LEA FAILS TO TAKE APPROPRIATE  
11 ENFORCEMENT ACTION, THE BOARD HAS THE OPTION TO  
12 STEP IN AND ASSUME THAT ROLE IF WE FEEL IT'S  
13 NECESSARY. THEREFORE, WE RECOMMEND THE BOARD  
ADOPT  
14 RESOLUTION 97-507.

15 CHAIRMAN FRAZEE: AND THE LEA IS  
PRESENT.

16 MR. KENNEDY, DO YOU HAVE ANY COMMENTS?

17 MR. KENNEDY: I WOULD JUST LIKE TO ADD,  
18 AND IT'S PROBABLY SIMILAR TO WHAT I SAID LAST  
19 SPRING, IS WORKING WITH YOUR STAFF AND WORKING  
WITH  
20 THIS PROCESS, IT WAS PROBABLY MY IMPRESSION FOR

21       MANY, MANY YEARS IN RURAL INYO COUNTY THAT IT  
WOULD

22       BE VERY DIFFICULT TO EVER HAVE A PERMIT AND  
23       COMPLIANT LANDFILL THROUGHOUT OUR AREA.

24                       I THINK THE PROBATIONARY PERIOD HAS  
25       WORKED QUITE WELL.   IT'S GONE BEYOND THE SCOPE OF  
13

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1 THE LEA IN INYO COUNTY. THE PROBATION STATUS HAS  
2 BEEN RECOGNIZED ON THE COUNTY THROUGH THE PRESS.  
3 AND THE COUNTY BOARD OF SUPERVISORS, I TOLD THEM  
4 YESTERDAY THIS IS THE FIRST BOARD IN 15 YEARS THAT  
5 I'VE BEEN THERE THAT HAS REALLY BIT THE BULLET AND  
6 SAID LET'S DEAL WITH THIS SOLID WASTE ISSUE AND  
7 LET'S MOVE TOWARDS COMPLIANCE.

8 AND I THINK, AS YOU CAN SEE, THE  
9 MAJORITY OF THE ITEMS ARE MOVING ALONG. I THINK  
10 WE'RE OVER THE TOP OF THE HILL NOW, STARTING TO  
11 COME DOWN THE BACK SIDE, AND I'M VERY HOPEFUL AND  
12 OPTIMISTIC FOR ONCE THAT MAYBE BY NEXT SUMMER  
13 THINGS WILL BE LOOKING VERY CLOSE TO BEING  
14 COMPLETED.

15 CHAIRMAN FRAZEE: OKAY.

16 MEMBER JONES: MR. CHAIRMAN, I WENT TO  
17 INYO COUNTY AT THE REQUEST OF MR. KENNEDY AND WAS  
18 PRETTY SURPRISED WHEN TWO SUPERVISORS AND THE PRESS  
19 AND THE ENTIRE STAFF SHOWED UP FOR OUR EVENT THAT I  
20 THOUGHT WAS JUST GOING TO BE A TOUR. THEY HAVE, I  
21 THINK, BITTEN THE BULLET, AND I'M MORE AWARE OF THE  
22 ISSUES. THEY KIND OF PUT ME -- I THINK MR. KENNEDY  
23 KIND OF PUT ME ON THE SPOT BECAUSE HE ASKED FOR

24       SOME OPERATIONAL TIPS ABOUT HOW SOME THINGS MIGHT  
25       BE DONE DIFFERENTLY.

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1                   AND THE BERMS ARE -- I MEAN THE  
2           THINGS THAT THEY'VE DONE MAKE IT A BETTER FACILITY.  
3           I NOTICE THAT WE'RE NOT IN COMPLIANCE ON LONE PINE  
4           ON LITTER CONTROL AND DAILY COVER; AND WHILE IT'S  
5           PROBABLY NOT MY -- PROBABLY NOT NORMAL FOR ME TO  
6           ASK THIS QUESTION, BUT HAS AL BEEN MOVED TO LONE  
7           PINE?

8                   MR. KENNEDY: I WAS CURIOUS IF THIS ISSUE  
9           CAME UP AND HOW I WOULD RESPOND. BUT, YES, HE  
10          HAS.

11                  MEMBER JONES: BECAUSE I WOULD SUGGEST  
12          THAT THE LEA HAS DONE A GOOD JOB OF -- I THINK WE  
13          KNEW WHEN WE PUT THIS LEA ON PROBATION THAT THE  
14          LEA

15          WAS, IN FACT, DOING HIS JOB, THAT IT WAS  
16          FINANCIAL

17          RESTRAINTS AND MAYBE NOT THE WILL OF THE  
18          SUPERVISORS TO REALLY FOLLOW THROUGH ON WHAT  
19          THOSE

20          ORDERS WERE. AND I THINK YOU'VE DONE A GREAT  
21          JOB,

22          AND I THINK YOUR SUPERVISORS HAVE DONE A GREAT  
23          JOB

24          IN ATTACKING THAT BULLET.

20 I DO THINK THAT THE COVER ISSUE AND  
21 THE LITTER ISSUE IS AN OPERATIONAL ISSUE, AND IT  
22 IS -- FOR ANYBODY THAT HAS WORKED IN RURAL  
23 CALIFORNIA, WHEN YOU HAVE SOMEBODY THAT HAS BEEN  
ON  
24 THE LANDFILL FOR 25 YEARS, THEY DO IT THEIR WAY  
AND  
25 NOBODY ELSE KNOWS ANYTHING. AND DON ANDREWS IS



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1 SITTING THERE LAUGHING. THEY -- SO IT'S GOING TO  
2 TAKE TIME, BUT I THINK THAT I'M BRINGING THIS  
3 FORWARD SO THAT YOU CAN BRING IT BACK TO INYO  
4 COUNTY, THAT, YOU KNOW, WE NEED TO CHANGE THE  
5 ATTITUDE ON THE PART OF THAT ONE INDIVIDUAL THAT  
6 THIS STUFF HAS TO BE DONE. BUT, YOU KNOW, I'M VERY  
7 PLEASED WITH WHAT YOU DID. I APPRECIATED THE  
8 OPPORTUNITY.

9 I KNOW MR. RELIS ALSO SPENT TIME IN  
10 INYO COUNTY, AND IT WAS PRETTY ENLIGHTENING WHEN  
11 YOU GET THERE AND YOU SEE THE ISSUES THAT YOU HAVE  
12 TO DEAL WITH. BUT I THINK YOU GUYS HAVE DONE A  
13 GOOD JOB AND, YOU KNOW, TALK TO AL. SLAP HIM A  
14 LITTLE BIT.

15 CHAIRMAN FRAZEE: OKAY. WE HAVE THE  
16 RESOLUTION BEFORE US.

17 MEMBER RELIS: WELL, I WAS JUST GOING TO  
18 MAKE A FEW ANECDOTAL COMMENTS OUTSIDE THE FORMAL  
19 ACTION BECAUSE WHILE I WAS OUT THERE, WE HAD A  
20 CHANCE TO DISCUSS THE PROBLEM WITH THE TIRE  
21 VIOLATION AND WHAT COULD BE DONE ABOUT IT.

22 AND I WAS GRATIFIED TO HEAR YESTERDAY  
23 IN THE BRIEFING THAT IT LOOKS LIKE WE MAY HAVE THE

24        POSSIBILITY OF UNDERTAKING A LOAN RELATIONSHIP WITH  
25        INYO COUNTY TO REMEDIATE THE TIRE PROBLEM IN ONE

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1       FELL SWOOP AND THEN ALSO A PLEDGE OF A REPAYMENT,  
2       WHICH WOULD BE A PRECEDENT, I THINK, A GOOD  
3       PRECEDENT IN THIS CASE.

4                   I WAS STRUCK IN MY TIME OUT THERE  
5       JUST WHAT KINDS OF PROBLEMS. YOU ARE 300 MILES OR  
6       250 MILES AWAY FROM THE POPULATION CENTERS, AND  
7       INYO COUNTY IS ABOUT AS REMOTE IN THAT RESPECT AS  
8       ANYPLACE IN CALIFORNIA.

9                   I THINK THEY ARE STRUGGLING BECAUSE  
10      THEY HAVE A VERY LARGE POPULATION INFLUX. IT'S A  
11      TRANSIENT POPULATION ON THE WAY TO DESTINATIONS AND  
12      STOPPING OFF, SO THEY HAVE THE IMPACTS OF A MUCH  
13      LARGER POPULATION, BUT ALL THE BURDENS OF BEING  
14      RURAL. SO I HAVE SOME SYMPATHY FOR THEIR PLIGHT,  
15      AND I THINK WE SHOULD DO ALL WE CAN WITH OUR  
16      MONIES, IN THIS CASE OUR TIRE MONEY, TO HELP THEM.

17                  AND IT'S GRATIFYING TO SEE, LIKE WITH  
18      MR. JONES, SEVERAL OF THE SUPERVISORS OUT AND  
19      INDICATING THEIR COMMITMENT TO BOTH MORE COMPLETELY  
20      FINANCING A SOLID WASTE SYSTEM AND THE WILLINGNESS,  
21      MOST IMPORTANTLY, I THINK, TO THIS BOARD, TO  
22      PARTNER WITH THE BOARD ON A REPAYMENT SCHEDULE TO  
23      SOLVE A MAJOR PROBLEM. SO I WISH THEM WELL.

24                  AND I'M HAPPY TO MOVE THIS ITEM,  
25      RECOMMEND THE STAFF RECOMMENDATION IF THAT'S IN

1 ORDER.

2 CHAIRMAN FRAZEE: YES, UH-HUH. WE HAVE A  
3 MOTION ON THE ADOPTION OF RESOLUTION 97-507.

4 MEMBER JONES: I'LL SECOND. THAT'S OPTION  
5 6 AND 7.

6 CHAIRMAN FRAZEE: SECRETARY WILL CALL THE  
7 ROLL ON THAT, PLEASE.

8 THE SECRETARY: BOARD MEMBER RELIS.

9 MEMBER RELIS: AYE.

10 THE SECRETARY: BOARD MEMBER JONES.

11 MEMBER JONES: AYE.

12 THE SECRETARY: CHAIRMAN FRAZEE.

13 CHAIRMAN FRAZEE: AYE. MOTION IS  
14 CARRIED. IF THERE'S NO OBJECTION, WE'LL RECOMMEND  
15 THIS FOR CONSENT TO THE FULL BOARD.

16 OKAY. THANK YOU.

17 NOW WE'RE READY TO MOVE TO ITEM 2,  
18 WHICH IS THE CONSIDERATION OF A REVISED SOLID WASTE  
19 FACILITY PERMIT FOR THE ZANKER ROAD CLASS III  
20 LANDFILL IN SANTA CLARA COUNTY.

21 MS. RICE: THANK YOU, MR. CHAIRMAN AND  
22 MEMBERS. JON WHITEHILL WILL MAKE THE STAFF  
23 PRESENTATION, ASSISTED BY DENNIS FERRIER WITH THE  
24 LOCAL ENFORCEMENT AGENCY.

25 MR. WHITEHILL: GOOD MORNING, MR.

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1 CHAIRMAN, AND COMMITTEE MEMBERS. THE LANDFILL IS  
2 LOCATED -- ZANKER ROAD LANDFILL IS LOCATED NEAR THE  
3 INTERSECTION OF LOS ESTEROS ROAD AND ZANKER ROAD IN  
4 THE CITY OF SAN JOSE. SURROUNDING LAND USE  
5 INCLUDES THE SAN JOSE/SANTA CLARA WATER POLLUTION  
6 CONTROL PLANT AND SLUDGE DRYING PONDS TO THE EAST,  
7 SALT EVAPORATOR PONDS TO THE NORTH AND NORTHWEST,  
8 OWENS-CORNING FIBERGLASS WASTE DISPOSAL SITE TO THE  
9 WEST, THE INACTIVE NINE-PAR DISPOSAL SITE, WHICH IS  
10 NOW DESIGNATED AS WETLANDS, AND THE COMMUNITY OF  
11 ALVISO APPROXIMATELY ONE MILE TO THE WEST.

12 THE PERMIT BEFORE YOU IS BEING  
13 REVISED TO REFLECT CHANGES IN FACILITY OPERATION  
14 AND MORE SPECIFICALLY CONDITIONED SITE DESIGN  
15 PARAMETERS. FOR INSTANCE, THE 1985 PERMIT ALLOWED  
16 THE LANDFILL TO ACCEPT AN AVERAGE OF 350 TONS OF  
17 WASTE PER DAY AND ENCOURAGED RECOVERY OF RECYCLABLE  
18 MATERIALS.

19 THE PROPOSED PERMIT ALLOWS THE  
20 FACILITY TO RECEIVE A MAXIMUM OF 1300 TONS OF  
21 MATERIAL PER DAY, COMPOST 200 TONS OF GREEN  
22 MATERIAL PER DAY, AND DISPOSE OF 300 TONS OF WASTE  
23 PER DAY.

24 ADDITIONAL CHANGES THAT ARE PROPOSED  
25 OR HAVE OCCURRED SINCE THE SOLID WASTE FACILITY

1 PERMIT WAS ISSUED IN 1985 INCLUDE AN INCREASE IN  
2 THE PERMITTED FILL AREA, THE NAME OF THE OWNER AND  
3 OPERATOR HAVE CHANGED, THE ESTIMATED CLOSURE DATE  
4 HAS CHANGED FROM 1992 TO 2003. AS I MENTIONED, THE  
5 PERMITTED TONNAGE HAS CHANGED. THE PROPOSED PERMIT  
6 WILL ALSO MORE SPECIFICALLY CONDITION THE STORAGE  
7 AND PROCESSING OF RECYCLABLE MATERIALS AND RESOURCE  
8 RECOVERY ACTIVITIES AT THE LANDFILL SUCH AS  
9 CONCRETE AND ASPHALT GRINDING, WOODWASTE CHIPPING  
10 AND GRINDING, GREEN MATERIAL COMPOSTING, SOIL  
11 REMEDIATION, AND CARDBOARD, WALLBOARD, AND METALS  
12 RECYCLING.

13 THIS FACILITY IS EXPECTED TO RECOVER  
14 BETWEEN 50 AND 90 PERCENT OF THE TOTAL MATERIAL  
15 RECEIVED. ALSO, THERE WILL BE A NEW WASTE TIRE  
16 STORAGE AREA, AND THE HOURS OF OPERATION WILL  
17 CHANGE.

18 AT THE TIME THE COMMITTEE ITEM WAS  
19 PREPARED, BOARD STAFF HAD NOT YET RECEIVED THE  
20 PROPOSED PERMIT OR MADE ALL THE REQUIRED

FINDINGS

21 FOR CONCURRENCE. BOARD STAFF HAVE SINCE BEEN  
ABLE

22 TO MAKE ALL THE REQUIRED FINDINGS EXCEPT FOR THE

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23 INTEGRATED WASTE MANAGEMENT PLAN CONFORMANCE

24 FINDING.

25 IN ADDITION, THE LEA HAS MADE SOME  
20

1 CHANGES TO THE PERMIT, INCLUDING A CHANGE IN THE  
2 PERMITTED COMPOSTING AREA. AND SOME REGULATORY  
3 CITATIONS HAVE CHANGED, AND THE LEA WILL EXPLAIN  
4 THAT AT THE END OF MY PRESENTATION.

5 THE LEA AND BOARD STAFF HAVE MADE THE  
6 FOLLOWING FINDINGS, THAT THE LEAD AGENCY AND  
7 OPERATOR HAVE COMPLIED WITH THE REQUIREMENTS OF THE  
8 CALIFORNIA ENVIRONMENTAL QUALITY ACT, THE PROPOSED  
9 PERMIT IS CONSISTENT WITH THE STANDARDS ADOPTED BY  
10 THE BOARD, THE OPERATION OF THE FACILITY IS  
11 CONSISTENT WITH THE APPROVED COUNTY INTEGRATED  
12 WASTE MANAGEMENT PLAN.

13 BOARD AND LEA STAFF HAVE DOCUMENTED  
14 THAT THE DESIGN AND OPERATION IS IN COMPLIANCE WITH  
15 STATE MINIMUM STANDARDS FOR SOLID WASTE HANDLING  
16 AND DISPOSAL, AND THE OPERATOR AND THE LEA HAVE  
17 FOUND THAT THE OPERATION OF THIS FACILITY IS  
18 CONSISTENT WITH THE APPROVED COUNTY INTEGRATED  
19 WASTE MANAGEMENT PLAN. AND THE BOARD'S OFFICE OF  
20 LOCAL ASSISTANCE WILL CONFIRM THIS FINDING PRIOR  
21 TO  
22 THE BOARD MEETING.

23 IN CONCLUSION, STAFF HAS REVIEWED  
24 THE



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23 PROPOSED PERMIT AND SUPPORTING DOCUMENTATION AND  
24 FOUND THEM TO BE ACCEPTABLE, SET FORTH IN THE  
WASTE  
25 MANAGEMENT PLAN WHICH WE'RE WAITING ON. IF STAFF

1 CONFIRM THE WASTE MANAGEMENT PLAN CONFORMANCE,  
2 STAFF WILL RECOMMEND THAT THE BOARD ADOPT  
3 RESOLUTION NO. 97-500, CONCURRING IN THE ISSUANCE  
4 OF SOLID WASTE FACILITY PERMIT NO. 43-AN-0003, AND  
5 THE RESOLUTION WILL BE AVAILABLE AT THE BOARD  
6 MEETING WHEN WE HAVE A RECOMMENDATION.

7 DENNIS FERRIER IS ON MY LEFT  
8 REPRESENTING THE LEA'S OFFICE. AND ALSO THERE ARE  
9 REPRESENTATIVES OF THE OPERATOR IF YOU HAVE ANY  
10 QUESTIONS.

11 CHAIRMAN FRAZEE: WISH TO MAKE A  
12 STATEMENT?

13 MR. FERRIER: THE CHANGES THAT WE MADE IN  
14 THE PERMIT WERE A RESULT OF SOME ERRORS. SOME  
15 CITATIONS THAT WERE PREVIOUSLY MADE FOR TITLE 14  
16 SECTIONS ACTUALLY CHANGED AND WERE TITLE 27  
17 SECTIONS. THEY WERE DEFINITIONAL CHANGES. THOSE  
18 WERE CORRECTED IN THE COPY THAT WE SENT LAST WEEK  
19 FOR THE BOARD.

20 THE OTHER CHANGE WAS AN ERROR. WE  
21 HAD CITED -- WE HAD CITED ON THE KEY DESIGN  
22 PARAMETERS THAT THE COMPOSTING AREA WAS 12 ACRES.  
23 IT'S ACTUALLY 6 ACRES. THEY HAD NOTED IN THEIR  
24 ENVIRONMENTAL DOCUMENT THAT THEY WOULD IN THE

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25 FUTURE POSSIBLY BE EXPANDING TO ANOTHER 6  
ACRES.

1 BUT THERE WAS A PROVISION THAT ADDITIONAL  
2 ENVIRONMENTAL REVIEW WOULD BE NECESSARY IF THEY  
3 WERE TO EXPAND TO AN ADDITIONAL 6 ACRES. SO WE  
4 CHANGED THAT TO THE 6 ACRES THAT ARE CURRENTLY  
5 SUPPORTED IN THE ENVIRONMENTAL DOCUMENT, AND THOSE  
6 WERE THE ONLY CHANGES, I BELIEVE, THAT CAME ABOUT.

7 THE OPERATOR OVER THE LAST FIVE YEARS  
8 HAS MADE A CONCERTED EFFORT TO MAKE COMMITMENT AND  
9 TIME AND CERTAINLY MONEY AND ENGINEERING RESOURCES  
10 TO DEVELOP A COMPREHENSIVE, ACCURATE PLAN FOR THE  
11 SITE. THE RDSI IS PROBABLY, IN MY EXPERIENCE, ONE  
12 OF THE MOST COMPLETE AND ACCURATE DOCUMENTS I'VE  
13 EVER REVIEWED FOR A LANDFILL OPERATION. YOU CAN  
14 LITERALLY PICK IT UP AND TELL EXACTLY WHAT'S GOING  
15 ON AT THE SITE, AND THEY DO HAVE PLANS THAT OUTLINE  
16 THE OPERATION OF THE SITE OUT THROUGH AT LEAST  
17 EIGHT YEARS.

18 AND I JUST WANTED TO SAY THAT  
19 PURSUANT TO THE EARTHQUAKE IN 1989, THEY HAD  
20 RECEIVED A LOT OF THE DEMOLITION DEBRIS FROM THAT  
21 CATASTROPHE, AND THEY RECYCLED VIRTUALLY 90 PERCENT  
22 OF THE MATERIAL THAT GOES THROUGH THEIR GATES. THE  
23 PERMIT ALLOWS THEM TO DISPOSE OF 300 TONS A DAY,  
24 BUT IT'S VERY SELDOM WHERE THEY GO ABOVE A HUNDRED

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25 TONS A DAY. THE REST OF THE MATERIAL IS GROUND UP,  
23

1 REPROCESSED. AND THEY'RE PROBABLY UNIQUE IN THE  
2 FACILITIES IN CALIFORNIA IN THAT THEY FIND MARKETS  
3 FOR VIRTUALLY EVERYTHING DOWN TO SHEETROCK AND  
4 OTHER MATERIALS.

5 SO WE'RE VERY HAPPY TO BRING THIS  
6 PERMIT UP HERE TODAY AND GET THEM CAUGHT UP. THERE  
7 WERE CHANGES IN OPERATORS IN THE PAST. THEY HAD  
8 SOME ADDITIONAL ENVIRONMENTAL REVIEW WORK THAT WAS  
9 DONE IN 1990 AND 1991 THAT UPDATED THE ABILITY TO  
10 DO RECYCLING AND COMPOSTING AT THE SITE. AND THAT  
11 TOGETHER WITH BASICALLY A 12-INCH DOCUMENT FOR  
12 THEIR RDSI HAS COMPLETED THIS EFFORT, AND I WANTED  
13 TO THANK BOTH THE OPERATOR AND GRACE ENVIRONMENTAL  
14 FOR ALL THE HARD WORK AND COMMITMENT THAT WENT INTO  
15 DOING THIS. IT WAS A BIG JOB.

16 THEY HAD TO BASICALLY TAKE OVER AN  
17 OPERATION AND REPROCESS AND MOVE A LOT OF MATERIAL  
18 FROM THE EARTHQUAKE THAT HAD BEEN STORED THERE.  
19 AND TODAY THEIR SITE IS IN COMPLIANCE, AND WE'VE  
20 GOT AN OPERATION THAT'S REALLY AN ASSET IN  
21 RECYCLING IN THE BAY AREA.

22 CHAIRMAN FRAZEE: OKAY.

23 MEMBER RELIS: MR. CHAIR, I WOULD ECHO  
24 THAT. I THINK ZANKER, I FOLLOWED THIS FACILITY

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25 OVER THE YEARS. I THINK IT'S A PIONEERING FACILITY

1        REALLY IN THE STATE AND SEEMS TO HAVE EVOLVED ALONG  
2        WITH THE NEEDS.    THE FACT THAT IT CAN HANDLE  
3        CONSTRUCTION AND DEMOLITION DEBRIS AS WELL AS  
4        ORGANICS IN A CONFINED, URBANIZED LOCATION IS, I  
5        THINK, OF CRITICAL IMPORTANCE TO THE STATE AND THAT  
6        PORTION OF THE STATE IN REACHING OUR 939  
7        OBJECTIVES.    SO I WHOLEHEARTEDLY SUPPORT THIS  
8        PERMIT.

9                MEMBER JONES:    I ECHO WHAT MR. RELIS SAYS.  
10       THAT WAS -- THROUGH ONE OF THOSE OWNERSHIP CHANGES,  
11       THAT WAS ONE OF OUR COMPANIES.    ACTUALLY WE WERE  
12       THE ONES DELIVERING THE WASTE TO THAT LANDFILL  
13       DURING THE EARTHQUAKE.    AND I THINK DAN RATHER  
14       CALLED US THE RESCUERS OF THE MEMORIES BECAUSE OF  
15       THE EFFORTS THAT WERE PUT IN BY THE PEOPLE AT  
16       ZANKER ROAD.

17                IF -- I MEAN ALL WE'RE WAITING FOR IS  
18       THE CIWMP?

19                MR. DIER:    MR. JONES, YES, THAT'S ALL  
20       WE'RE WAITING FOR IS FROM OFFICE OF LOCAL  
21       ASSISTANCE TO VERIFY THE CIWMP CONFORMANCE.    SO  
22       STAFF WOULD RECOMMEND THAT THIS BE PLACED ON  
23       CONSENT.    AND IF THERE IS ANY ISSUE WITH THAT, WE  
24       WOULD CERTAINLY ASK THAT THE BOARD BRING IT OFF



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25        CONSENT IN A COUPLE OF WEEKS .

25

1                   CHAIRMAN FRAZEE: WE CAN DO IT THAT WAY, I  
2 GUESS. CAN WE?

3                   MEMBER RELIS: CONDITIONAL CONSENT.

4                   MS. TOBIAS: I GUESS MY PREFERENCE WOULD  
5 BE --

6                   CHAIRMAN FRAZEE: WE MOVE IT TO THE BOARD  
7 WITHOUT RECOMMENDATION. THAT WAS GOING TO BE MY  
8 SUGGESTION.

9                   MEMBER JONES: OKAY. THEN I WILL MOVE  
10 THAT THIS PERMIT -- I WANT TO MOVE THAT THIS PERMIT  
11 BE APPROVED AND CONDITIONAL THAT IT CONFORMS WITH  
12 THE CIWMP.

13                   MEMBER RELIS: SECOND THAT.

14                   CHAIRMAN FRAZEE: OKAY. WE HAVE A MOTION  
15 AND SECOND THAT THIS PERMIT BE CONDITIONALLY  
16 APPROVED AND FORWARDED TO THE BOARD FOR FINAL  
17 CONSIDERATION. THE SECRETARY WILL CALL THE ROLL ON  
18 THAT, PLEASE.

19                   THE SECRETARY: BOARD MEMBER RELIS.

20                   MEMBER RELIS: AYE.

21                   THE SECRETARY: BOARD MEMBER JONES.

22                   MEMBER JONES: AYE.

23                   THE SECRETARY: CHAIRMAN FRAZEE.

24                   CHAIRMAN FRAZEE: AYE. MOTION IS  
25 CARRIED.

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1                   NOW WE'RE READY FOR ITEM 3, THE  
2       CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT  
3       FOR THE ROBERT A. NELSON TRANSFER STATION AND  
4       MATERIAL RECOVERY FACILITY IN RIVERSIDE COUNTY.  
5       STAFF REPORT, PLEASE.

6                   MS. RICE: THANK YOU, MR. CHAIRMAN. DAVE  
7       OTSUBO WILL MAKE THE STAFF REPORT ASSISTED BY  
8       LAURIE HOLK WITH THE LOCAL ENFORCEMENT AGENCY FOR  
9       RIVERSIDE COUNTY.

10                  MR. OTSUBO: HI. GOOD MORNING, MR. FRAZEE  
11       AND MEMBERS OF THE COMMITTEE. ITEM 3 REGARDS  
12       CONSIDERATION OF THE ISSUANCE OF A NEW SOLID WASTE  
13       FACILITY PERMIT FOR THE ROBERT A. NELSON TRANSFER  
14       STATION AND MATERIALS RECOVERY FACILITY. THIS SITE  
15       IS LOCATED IN UNINCORPORATED AREA OF THE COUNTY  
16       NEAR THE CITY OF RIVERSIDE. THE FACILITY WILL BE  
17       LOCATED -- WOULD BE LOCATED ON 12.5 ACRES AND  
18       ACCEPT UP TO 2700 TONS PER DAY OF SOLID WASTE.

19                  THE OPERATOR IS BURRTEC WASTE  
20       INDUSTRIES, AND THE FACILITY IS LOCATED WITHIN AN  
21       RMDZ.

22                  AT THE TIME THAT THE COMMITTEE ITEM  
23       WAS WRITTEN, STAFF HAD YET TO CONFIRM THE LEA'S  
24       FINDINGS OF CONFORMANCE WITH THE COUNTY SOLID WASTE  
25       MANAGEMENT PLAN, CONSISTENCY WITH THE GENERAL PLAN,

1 AND HAD NOT DETERMINED THE ADEQUACY OF CEQA  
2 DOCUMENTATION.

3 THESE FINDINGS HAVE SINCE BEEN MADE,  
4 AND, THEREFORE, STAFF RECOMMEND THAT THE BOARD  
5 ADOPT RESOLUTION 97-501, CONCURRING IN THE ISSUANCE  
6 OF SOLID WASTE FACILITY PERMIT 33-AA-0258. AND I  
7 ASSUME THE RESOLUTIONS HAVE BEEN PASSED OUT TO YOU.

8 CHAIRMAN FRAZEE: YES, WE DO HAVE THEM.

9 MR. OTSUBO: AND THIS CONCLUDES STAFF'S  
10 PRESENTATION.

11 CHAIRMAN FRAZEE: LEA HAVE ANY COMMENTS?

12 MS. HOLK: YES. THANK YOU, CHAIRMAN  
13 FRAZEE. LAURIE HOLK, RIVERSIDE COUNTY LEA.

14 THIS FACILITY, ALONG WITH THE MORENO  
15 VALLEY FACILITY, WILL THEN COVER THE WEST END OF  
16 RIVERSIDE COUNTY AS FAR AS TRANSFER STATION GOES.  
17 AND THERE IS A POSSIBILITY THAT THIS TRANSFER  
18 FACILITY WILL ALSO BE ABLE TO SERVE AS AN ABAP OR A  
19 SITE FOR HOUSEHOLD HAZARDOUS WASTE PROGRAM ALSO.

20 CHAIRMAN FRAZEE: OKAY. WE HAVE A REQUEST  
21 FROM ROBERT A. NELSON TO SPEAK ON THIS ITEM.

22 MEMBER RELIS: HOPEFULLY HE'S NOT GOING TO  
23 WITHDRAW HIS NAME.

24 MR. NELSON: MR. CHAIRMAN, MEMBERS OF THE  
25 BOARD, BOB NELSON HERE. I JUST WANT TO SPEAK IN

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1 SUPPORT OF THE PERMIT FOR THE PROJECT. THIS DOES  
2 SERVE THE CITY OF RIVERSIDE POPULATION, IMPORTANT  
3 ELEMENT OF THE INFRASTRUCTURE IN THE WASTE HANDLING  
4 SYSTEM IN THE WESTERN PART OF RIVERSIDE COUNTY, SO  
5 WE WOULD URGE YOUR SUPPORT.

6 CHAIRMAN FRAZEE: QUESTIONS OR DISCUSSION?

7 MEMBER RELIS: I'LL MOVE CONCURRENCE.

8 MEMBER JONES: I'LL SECOND.

9 CHAIRMAN FRAZEE: WE HAVE A MOTION AND A  
10 SECOND ON THE ADOPTION OF RESOLUTION 97-501.

11 SECRETARY WILL CALL THE ROLL ON THAT, PLEASE.

12 THE SECRETARY: BOARD MEMBER RELIS.

13 MEMBER RELIS: AYE.

14 THE SECRETARY: BOARD MEMBER JONES.

15 MEMBER JONES: AYE.

16 THE SECRETARY: CHAIRMAN FRAZEE.

17 CHAIRMAN FRAZEE: AYE. MOTION IS  
18 CARRIED. AND WITHOUT OBJECTION, WE'LL RECOMMEND  
19 CONSENT ON THAT ITEM.

20 NOW, ITEM 4, WHICH IS THE  
CONSIDERA-

21 TION OF THE ISSUANCE OF A REVISED SOLID WASTE  
22 FACILITY PERMIT FOR THE BLYTHE SANITARY LANDFILL  
IN  
23 RIVERSIDE COUNTY.

24                   MR. OTSUBO:   HI AGAIN.   I'M DAVID OTSUBO  
25       WITH THE PERMITTING AND INSPECTIONS BRANCH.   ITEM  
4

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1 REGARDS CONSIDERATION OF A REVISED SOLID WASTE  
2 FACILITY PERMIT FOR THE BLYTHE SANITARY LANDFILL.

3 THIS FACILITY IS LOCATED SIX MILES  
4 NORTH OF THE CITY OF BLYTHE, IS ACTIVE AND  
5 OPERATING UNDER ITS ORIGINAL PERMIT ISSUED IN  
6 1979. THIS FACILITY IS CURRENTLY ON THE  
7 SIGNIFICANT CHANGE LIST; AND IF A NEW PERMIT IS  
8 ISSUED, THIS WOULD REMOVE THE SITE FROM THIS LIST.

9 THE PROPOSED PERMIT WOULD ESTABLISH A  
10 335-ACRE SITE, 78 FOR LANDFILLING. THE MAXIMUM  
11 ELEVATION WOULD BE 525 FEET AND ESTIMATED CLOSURE  
12 OF 2034 AND WOULD INCREASE THE PERMITTED TONNAGE  
13 FROM 55 TONS PER DAY TO A MAXIMUM OF 400 TONS PER  
14 DAY. THE SITE IS OWNED AND OPERATED BY THE WASTE  
15 RESOURCES MANAGEMENT DISTRICT.

16 AT THE TIME THAT BOTH THE COMMITTEE  
17 AND BOARD ITEMS WERE WRITTEN, STAFF HAD NOT YET HAD  
18 AN OPPORTUNITY TO VERIFY THE LEA'S FINDINGS OF  
19 CONFORMANCE WITH THE COUNTY SOLID WASTE MANAGEMENT  
20 PLAN, CONSISTENCY WITH THE COUNTY GENERAL PLAN, TO  
21 CONDUCT A JOINT INSPECTION WITH THE LEA, OR VERIFY  
22 THAT FINANCIAL ASSURANCE DOCUMENTATION WAS IN  
23 ORDER.

24 IN THE INTERIM STAFF HAVE CONDUCTED  
25 AN INSPECTION WITH THE LEA THAT THE DID NOT





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1 IDENTIFY ANY VIOLATIONS OF STATE MINIMUM STANDARDS,  
2 HAVE VERIFIED THE SOLID WASTE MANAGEMENT PLAN AND  
3 GENERAL PLAN FINDINGS OF THE LEA, AND HAVE  
4 DETERMINED THAT THE FUNDING FOR CLOSURE-POSTCLOSURE  
5 MAINTENANCE AND OPERATING LIABILITY ARE IN ORDER.

6 THEREFORE, STAFF RECOMMEND THAT THE  
7 BOARD ADOPT RESOLUTION 97-502, CONCURRING IN THE  
8 ISSUANCE OF SOLID WASTE FACILITY PERMIT  
9 33-AA-0017. AND THIS CONCLUDES MY PRESENTATION.

10 CHAIRMAN FRAZEE: OKAY.

11 MS. HOLK: NOTHING.

12 CHAIRMAN FRAZEE: MR. NELSON, THIS ONE.

13 MR. NELSON: MR. CHAIRMAN, MEMBERS OF THE  
14 BOARD, AGAIN BOB NELSON, GENERAL MANAGER FOR THE  
15 RIVERSIDE COUNTY WASTE DISTRICT.

16 THIS IS THE LAST LANDFILL IN OUR  
17 SYSTEM OF ABOUT A DOZEN LANDFILLS TO HAVE ITS  
18 PERMIT UPDATED. WE'VE BEEN WORKING WITH YOUR STAFF  
19 AND THE LEA FOR SEVERAL YEARS TO GET THIS ONE  
20 FINALIZED.

21 THE SITE NOW AVERAGES ABOUT 75 TONS A  
22 DAY AND HAS MAYBE 45 TO 50 CUSTOMERS ON THE AVERAGE  
23 AND SERVES THE TOWN OF BLYTHE AS WELL AS THE  
24 AGRICULTURAL COMMUNITIES AROUND THAT TOWN AND A  
25 VERY SMALL AMOUNT THAT COMES IN FROM ARONBERG,

1 ARIZONA, IMMEDIATELY ACROSS THE RIVER.

2 WE ARE ABOUT TO GO TO BID ON A  
3 LANDFILL GAS EXTRACTION SYSTEM. I DON'T KNOW IF  
4 THAT BEARS ON YOUR DECISION, BUT JUST BY WAY OF  
5 INFORMATION, THAT'S ANOTHER PIECE OF DATA THAT I'LL  
6 THROW IN THE PICTURE. WE WOULD URGE YOUR SUPPORT  
7 AND APPROVAL OF THIS PERMIT.

8 CHAIRMAN FRAZEE: DO YOU HANDLE WASTE FROM  
9 THE PRISONS?

10 MR. NELSON: YES. YES, THEY HAVE QUITE AN  
11 EXTENSIVE RECYCLING PROCESS ON SITE WHICH HELPS A  
12 LOT AND THEN THE RESIDUAL COMES TO THIS LANDFILL.

13 CHAIRMAN FRAZEE: THAT ANSWERS MY QUESTION  
14 BEFORE I ASK IT.

15 MEMBER RELIS: MR. CHAIR, I JUST WANTED TO  
16 MAKE A COMMENT. THIS WON'T AFFECT MY VOTE. IN THE  
17 STAFF WRITE-UP ON PAGE 17 OR PAGE 2 OF THE ITEM,  
18 THE BOTTOM OF THE PAGE, THERE'S A STATEMENT "NEW  
19 DISPOSAL OCCURS ON TOP OF THE EXISTING FOOTPRINT,  
20 ELIMINATING THE NEED FOR AN EXPENSE BUILDING NEW  
21 LINED CELLS." I KNOW THERE ARE GOING TO BE A  
22 NUMBER OF FACILITIES THAT WE'RE GOING TO SEE HERE.  
23 I'VE SPOKEN ON THIS ISSUE BEFORE.

24 I DO HAVE A CERTAIN DEGREE OF

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25 DISCOMFORT WITH THAT SORT OF PRESENTATION IN THE  
32

1        SENSE THAT SUBTITLE D IN THE SPIRIT OF IT, I  
2        BELIEVE, WAS TO LOOK TO A LINER-TYPE SYSTEM IN OUR  
3        STATE AND NOT STRICTLY AT THE ISSUE OF EXPENSE ON  
4        AVOIDING LINERS. I'M NOT SAYING THAT'S OCCURRING  
5        HERE AND THAT THERE'S A WATER PROBLEM HERE, BUT I  
6        CONTINUE TO HAVE SOME UNEASE OVER VERTICAL  
7        EXPANSIONS ON UNLINED LANDFILLS. IT'S ALLOWED.  
8        IT'S A WATER ISSUE.

9                        I HOPE THE WATER BOARDS ARE DOING  
10       THEIR JOB BECAUSE WE DON'T HAVE ANY OVERSIGHT OVER  
11       THIS ANYMORE. BUT I JUST FEEL THE NEED TO MAKE  
12       THAT STATEMENT.

13                      CHAIRMAN FRAZEE: OKAY.

14                      MEMBER JONES: MR. CHAIRMAN.

15                      CHAIRMAN FRAZEE: QUESTIONS OR DISCUSSION?

16                      MEMBER JONES: I DON'T HAVE ANY QUESTIONS.

17       I'D LIKE TO MOVE RESOLUTION 97-502.

18                      MEMBER RELIS: SECOND.

19                      CHAIRMAN FRAZEE: WE HAVE A MOTION AND

20       SECOND ON THE ADOPTION OF 97-502.

SECRETARY WILL

21       CALL THE ROLL ON THAT ONE.

22                      THE SECRETARY: BOARD MEMBER  
RELIS.

23                      MEMBER RELIS: AYE.

24                      THE SECRETARY: BOARD MEMBER

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JONES .

25

MEMBER JONES : AYE .

33

1 THE SECRETARY: CHAIRMAN FRAZEE.

2 CHAIRMAN FRAZEE: AYE. MOTION IS  
3 CARRIED. IF THERE'S NO OBJECTION TO CONSENT ON  
4 THAT ONE, WE'LL RECOMMEND THAT ONE FOR CONSENT.

5 NOW, ITEM 5 IS THE CONSIDERATION OF  
6 THE ISSUANCE OF A REVISED SOLID WASTE FACILITY  
7 PERMIT FOR THE EDOM HILL SANITARY LANDFILL IN  
8 RIVERSIDE COUNTY. STAFF REPORT, PLEASE.

9 MR. OTSUBO: THIS FACILITY IS LOCATED NEAR  
10 THE CITY OF PALM SPRINGS ADJACENT TO THE CLOSED  
11 WHITEFEATHER FARMS COMPOST FACILITY AT THE BOUNDARY  
12 OF CATHEDRAL CITY. IT IS ALSO OWNED BY THE WASTE  
13 RESOURCES MANAGEMENT DISTRICT ON LAND -- IT'S  
14 OPERATED BY WASTE RESOURCES MANAGEMENT DISTRICT ON  
15 LAND OWNED BY THE BUREAU OF LAND MANAGEMENT.

16 ITS CURRENT PERMIT WAS ISSUED IN  
17 1992. THE PROPOSED PERMIT WOULD ALLOW THE SITE TO  
18 INCREASE PERMITTED TONNAGE FROM 1200 TO 2651 TONS  
19 PER DAY, INCREASE ITS MAXIMUM ELEVATION BY 40 FEET,  
20 INCREASE THE FACILITY SIZE BY 15 ACRES. IT ALSO  
21 REDUCES -- ACTUALLY REDUCES THE PERMITTED DISPOSAL  
22 FOOTPRINT FROM 400 TO 148 ACRES.

23 THE OPERATOR WISHES THE INCREASED THE  
24 TONNAGE TO ACCEPT WASTE FORMERLY GOING TO THE NOW  
25 CLOSED COACHELLA LANDFILL.

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1                   A STIPULATED ORDER OF COMPLIANCE WAS  
2       ISSUED ON OCTOBER 22D, ALLOWING THE SITE TO ACCEPT  
3       MORE THAN THE 1200 TONS PER DAY IN THE INTERIM. IT  
4       GIVES THE OPERATOR UNTIL JULY 31, 1998, TO OBTAIN A  
5       REVISED PERMIT. IT SHOULD BE NOTED THAT THE SITE  
6       IS LOCATED ON THE MAIN SOUTHERN BRANCH OF THE SAN  
7       ANDREAS FAULT.

8                   AT THE TIME BOTH THE COMMITTEE AND  
9       BOARD ITEMS WERE WRITTEN, STAFF HAD NOT YET  
10      VERIFIED THE LEA'S FINDING OF CONFORMANCE WITH  
11      PUBLIC RESOURCES CODE 50000 AND 50000.5, THE  
SITE'S  
12      COMPLIANCE WITH STATE MINIMUM STANDARDS, THE  
13      ADEQUACY OF THE CEQA DOCUMENTATION, OR ADEQUACY  
OF  
14      THE FINANCIAL ASSURANCE REQUIREMENTS.

15                  SINCE STAFF OF THE BOARD'S OFFICE  
OF  
16      LOCAL ASSISTANCE HAVE VERIFIED CONFORMANCE WITH  
THE  
17      COUNTY SOLID WASTE MANAGEMENT PLAN, GENERAL PLAN,  
18      AND ADJACENT LAND USES. ON OCTOBER 30TH  
PERMITTING  
19      AND INSPECTION BRANCH STAFF CONDUCTED A JOINT  
20      INSPECTION OF THE SITE WITH THE LEA AND NOTED NO  
21      VIOLATIONS OF STATE MINIMUM STANDARDS.

22                                FINANCIAL ASSURANCE STAFF HAVE  
23        DETERMINED THAT THE FUNDING FOR CLOSURE-  
POSTCLOSURE  
24        MAINTENANCE AND OPERATING LIABILITY DOCUMENTATION  
25        ARE IN ORDER.    ENVIRONMENTAL REVIEW SECTION STAFF



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1 HAD REVIEWED AND COMMENTED ON THE DRAFT EIR, HAVE  
2 RECENTLY REVIEWED THE FINAL EIR, AND BELIEVE THAT  
3 THE LEAD AGENCY HAS MADE THE REQUIRED CEQA FINDINGS  
4 AND RESPONDED TO STAFF COMMENTS.

5 THEREFORE, ENVIRONMENTAL REVIEW STAFF  
6 HAVE DETERMINED THAT THE CEQA DOCUMENTATION IS  
7 ADEQUATE FOR BOARD CONSIDERATION FOR THOSE PROJECT  
8 ACTIVITIES WHICH ARE WITHIN THIS AGENCY'S  
9 JURISDICTION. PLEASE NOTE THAT CATHEDRAL CITY HAS  
10 CHALLENGED THE ADEQUACY OF THE EIR, AND NO ACTION  
11 HAS YET BEEN TAKEN IN THAT MATTER.

12 IN ADDITION, THE LEA HAS MADE THE  
13 REQUIRED FINDINGS, THAT THE PROPOSED PERMIT IS  
14 CONSISTENT WITH EXISTING CEQA DOCUMENTATION. STAFF  
15 RECOMMEND THAT THE BOARD ADOPT RESOLUTION 97-503,  
16 CONCURRING IN THE ISSUANCE OF SOLID WASTE FACILITY  
17 PERMIT 33-AA-0011. AND THIS CONCLUDES MY  
18 PRESENTATION.

19 CHAIRMAN FRAZEE: OKAY.

20 MS. HOLK: THANK YOU, CHAIRMAN. ABOUT THE  
21 TIME THE COACHELLA LANDFILL WAS CLOSING, THERE WERE  
22 THREE TRANSFER STATION PROJECTS THAT WERE GOING ON  
23 IN THE COACHELLA VALLEY TO HELP ALLEVIATE SOME OF  
24 THAT PROBLEM. IN THE MEANTIME THE COACHELLA VALLEY  
25 ASSOCIATION OF GOVERNMENT TRANSFER STATION PROJECT



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1 HAS STALLED AND IS NO LONGER GOING FORWARD.

2 THE TRANSFER STATION FOR THE CITY OF  
3 INDIO IS AT THE EIR STAGE, AND THERE IS LOCAL  
4 OPPOSITION TO THAT FACILITY.

5 THIS BOARD PERMITTED THE COACHELLA  
6 TRANSFER STATION AT THE SITE, AND THE CITY OF  
7 COACHELLA AND THE WASTE MANAGEMENT DISTRICT ARE  
8 STILL WORKING ON TRYING TO GET THAT FACILITY UP.  
9 SO AS OF TODAY, THERE ARE NO TRANSFER STATIONS TO  
10 TAKE ANY OF THE WASTE THAT IS CURRENTLY GOING TO  
11 EDM HILL.

12 IT IS THE ONLY REMAINING LARGE  
13 CAPACITY LANDFILL IN THE AREA. THEY ARE CURRENTLY  
14 EXCEEDING THEIR TONNAGES AND HAVE BEEN ISSUED A  
15 STIPULATED ORDER OF COMPLIANCE TO GET A NEW PERMIT  
16 AND ARE BEING CONTINUED TO BE VIOLATED FOR THAT  
17 TONNAGE.

18 THIS REVISED PERMIT WOULD ALLEVIATE  
19 THAT VIOLATION. EXTRA EQUIPMENT AND PERSONNEL WAS  
20 MOVED FROM THE COACHELLA LANDFILL TO EDM HILL  
21 LANDFILL TO COVER THE INCREASE IN TONNAGE, AND  
22 CURRENTLY THE INCREASE IN TONNAGE IS BEING HANDLED  
23 WITH NO PROBLEMS.

24 CHAIRMAN FRAZEE: OKAY.

25 MEMBER RELIS: I'M JUST WONDERING WAS

1 ANYONE HERE? I RECEIVED SOME TIME AGO, I THINK WE  
2 ALL DID, A LETTER FROM CATHEDRAL CITY. I DON'T  
3 KNOW IF ANYONE IS HERE. I'M SURPRISED IF THEY'RE  
4 AS CONCERNED AS THEY ARE THAT THEY AREN'T HERE.

5 CHAIRMAN FRAZEE: WE DO NOT HAVE A SPEAKER  
6 SLIP.

7 MS. TOBIAS: I DID TALK TO THEIR ATTORNEY  
8 THIS WEEK. HE SAID THEY WOULD PROBABLY BE GOING TO  
9 THE BOARD MEETING, THAT THEIR REQUEST WAS THAT THE  
10 COMMITTEE POSTPONE THIS HEARING UNTIL SUCH TIME AS  
11 THEIR CEQA LAWSUIT IS RESOLVED.

12 I DISCUSSED WITH THEM, THAT WE HAVE  
13 AN OBLIGATION AS THE RESPONSIBLE AGENCY TO CONTINUE  
14 AND TO ISSUE OUR PERMIT; THAT IF THE UNDERLYING  
15 CEQA INFORMATION WAS INVALIDATED, THEN OUR PERMIT  
16 WOULD BE VOID AND THEY WOULD HAVE TO GO BACK  
17 THROUGH THE PROCESS.

18 MY UNDERSTANDING IS THAT IF THEY DO  
19 APPEAR, THEY WILL BE AT THE BOARD HEARING.

20 CHAIRMAN FRAZEE: MR. NELSON.

21 MR. NELSON: BOB NELSON AGAIN. MR.  
22 CHAIRMAN AND MEMBERS OF THE BOARD, THIS IS, AS HAS  
23 BEEN DESCRIBED, OUR ONLY REMAINING OUTLET IN THE  
24 COACHELLA VALLEY. THAT AREA HAS 250, 300,000  
25 PEOPLE, AND THEY ARE NOW TAKING ALL OF THEIR WASTE

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1 BY DIRECT HAUL TO THIS SITE. SO IT IS CRITICALLY  
2 URGENT TO US TO GET THE PERMIT APPROVED, AND WE DO  
3 CONTINUE TO WORK WITH THE CITIES TRYING TO DEVELOP  
4 A TRANSFER STATION TO BE ABLE TO MOVE WASTE OUT OF  
5 THE VALLEY.

6 EVEN WITH THIS PERMIT APPROVAL, IT  
7 ADDS ONLY TWO YEARS TO THAT SITE LIFE AT THIS  
8 LANDFILL. SITE LIFE IS ABOUT FOUR TO FOUR AND A  
9 HALF YEARS WITHOUT THIS AND MAYBE SIX TO SIX AND A  
10 HALF WITH IT.

11 WE ARE HOPING TO GET A TRANSFER  
12 STATION PROJECT UP AND UNDER WAY DURING THE NEXT --  
13 HOPEFULLY NEXT FEW MONTHS. AS THINGS GO WITH THESE  
14 KINDS OF PROJECTS, IT MAY TAKE LONGER THAN THAT AND  
15 THEN BE ABLE TO MOVE SOME OF THE WASTE OUT OF THE  
16 VALLEY.

17 SO WE DO HAVE STAFF HERE FROM OUR  
18 CONSULTANTS WHO DID THE ENGINEERING WORK ON THE  
19 DESIGN. DON ANDREAS WITH EMCON IS HERE, AS WELL AS  
20 DON HAYNES, WHO WORKED WITH US ON THE ENVIRONMENTAL  
21 IMPACT REPORT. WE ALSO HAVE DON MADDOX OF REMY  
22 THOMAS, WHO IS OUR LEGAL ADVISOR DEALING WITH THE  
23 CHALLENGE BY THE CITY OF CATHEDRAL CITY. IF YOU  
24 NEED TO TALK TO ANY OF THEM ABOUT ISSUES THAT  
THEY

25        HAVE DEALT WITH, WE'D BE HAPPY TO HAVE THEM COME  
                 39

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1 FORWARD. BUT SHORT OF THAT, I WOULD SIMPLY URGE  
2 YOUR APPROVAL OF THIS PERMIT. THANK YOU.

3 CHAIRMAN FRAZEE: THANK YOU. QUESTIONS?

4 MEMBER JONES: I'LL MOVE WE ADOPT  
5 RESOLUTION 97-503.

6 MEMBER RELIS: MR. CHAIR, I'LL SECOND  
7 THAT, VOICING MY EARLIER CONCERN OVER A MAJOR  
8 EXPANSION OVER AN UNLINED LANDFILL, BUT IT'S A  
9 WATER BOARD ISSUE.

10 CHAIRMAN FRAZEE: OKAY. WE HAVE A MOTION  
11 AND SECOND ON THE ADOPTION OF RESOLUTION 97-503.  
12 WILL THE SECRETARY CALL THE ROLL ON THAT.

13 THE SECRETARY: BOARD MEMBER RELIS.

14 MEMBER RELIS: AYE.

15 THE SECRETARY: BOARD MEMBER JONES.

16 MEMBER JONES: AYE.

17 THE SECRETARY: CHAIRMAN FRAZEE.

18 CHAIRMAN FRAZEE: AYE. MOTION IS  
19 CARRIED. BECAUSE OF THE POTENTIAL FOR FURTHER  
20 OPPOSITION, I THINK THIS ONE SHOULD BE MOVED TO  
21 THE  
22 BOARD FOR FURTHER CONSIDERATION.

23 NOW WE'RE READY FOR ITEM 6, THE  
24 CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT  
FOR THE MUSTANG HILL LANDFILL IN KINGS COUNTY.

25

MS. POROLI: GOOD MORNING. I'M BEATRICE

40



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1       POROLI WITH THE PERMITS BRANCH. THE OWNER AND THE  
2       OPERATOR OF THE MUSTANG HILL LANDFILL IS KINGS  
3       WASTE AND RECYCLING AUTHORITY. MR. MICHAEL ADAMS  
4       IS THE EXECUTIVE DIRECTOR.

5                       THE PROPOSED PERMIT IS FOR THE  
6       OPERATION OF A NEW LANDFILL TO BE LOCATED ON 340  
7       ACRES WITH A 74-ACRE DISPOSAL FOOTPRINT. THE  
8       PROPOSED LANDFILL WILL RECEIVE A MAXIMUM OF 500  
9       TONS PER DAY OF NONHAZARDOUS RESIDENTIAL,  
10      COMMERCIAL, AND INDUSTRIAL WASTE FROM KINGS  
11      COUNTY. THE LIFE OF THE LANDFILL IS ESTIMATED TO  
12      BE 85 YEARS.

13                    STAFF REVIEWED THE PROPOSED PERMIT  
14      AND SUPPORTING DOCUMENTATION AND HAVE FOUND THAT IT  
15      MEETS ALL OF THE REQUIREMENTS ON PAGE 29 OF YOUR  
16      PACKAGE AND ACCEPTABLE FOR CONSIDERATION BY THE  
17      BOARD.

18                    IN CONCLUSION, STAFF RECOMMEND THAT  
19      THE BOARD ADOPT SOLID WASTE FACILITY PERMIT  
20      DECISION NO. 97-483, CONCURRING WITH THE ISSUANCE  
21      OF SOLID WASTE FACILITY PERMIT NO. 16-AA-0013. MR.  
22      LUIS FLORES, REPRESENTING THE LEA, IS ON MY LEFT  
23      AND MR. MICHAEL ADAMS, THE OPERATOR, ARE PRESENT TO  
24      ANSWER ANY QUESTIONS THAT YOU MAY HAVE. THIS  
25      CONCLUDES STAFF'S PRESENTATION.



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1                   CHAIRMAN FRAZEE:   MR. FLORES, DID YOU HAVE  
2    ANY COMMENTS?

3                   MR. FLORES:   YES.   THANK YOU.   GOOD  
4    MORNING.   KINGS COUNTY CURRENTLY HAS TWO MUNICIPAL  
5    SOLID WASTE FACILITIES IN THE COUNTY.   ONE OF THOSE  
6    FACILITIES SERVICES THE MAJORITY OF THE COUNTY,  
7    PROBABLY ABOUT 70 TO 80 PERCENT MINIMUM.   THE OTHER  
8    SERVICES THE MUNICIPALITY.   THE MAJOR MUNICIPAL  
9    SOLID WASTE FACILITY IN OUR COUNTY IS DUE TO CLOSE  
10   WITHIN THE NEXT 12 MONTHS, AND THIS WOULD BE A VERY  
11   GOOD ALTERNATIVE FOR THAT CLOSURE.   AND SO WE WOULD  
12   LIKE TO SEE CONCURRENCE BY THE BOARD ON THIS  
13   FACILITY.   THANK YOU.

14                  MEMBER RELIS:   AS I UNDERSTAND, THIS IS  
15    SOMETHING OF A BACKUP OPTION, ISN'T IT, IF THE  
16    OTHER PERMIT -- PERMITTED LANDFILL, WHICH IS --

17                  MR. FLORES:   KETTLEMAN HILLS FACILITY.

18                  MEMBER RELIS:   -- KETTLEMAN HILLS SHOULD  
19    RUN INTO PROBLEMS, THIS WOULD BE YOUR OPTION.

20                  MR. FLORES:   THAT'S CORRECT.

21                  MEMBER JONES:   I THINK, MR. CHAIRMAN,  
22    KINGS COUNTY, I WENT DOWN AND LOOKED AT A PRETTY  
23    ELABORATE, PRETTY EXTENSIVE MATERIALS RECOVERY  
24    FACILITY THAT WAS BUILT.   THIS MAKES SENSE THAT  
25    THE -- THIS INTEGRATION BETWEEN THE MRF AND THIS

1 LANDFILL, SO I DON'T HAVE ANY PROBLEM WITH IT.

2 CHAIRMAN FRAZEE: OKAY.

3 MR. FLORES: I'D ALSO LIKE TO THANK  
4 BEATRICE FOR HER ASSISTANCE. I'M RELATIVELY NEW IN  
5 THE SOLID WASTE PROGRAMS, AND HER ASSISTANCE HAS  
6 BEEN VERY HELPFUL TO ME.

7 CHAIRMAN FRAZEE: OKAY.

8 MEMBER JONES: MR. CHAIRMAN, I WOULD LIKE  
9 TO MOVE RESOLUTION 97-483.

10 MEMBER RELIS: I'LL SECOND.

11 CHAIRMAN FRAZEE: WE HAVE A MOTION AND  
12 SECOND ON THE ADOPTION OF RESOLUTION 97-483. IF  
13 THE SECRETARY WILL CALL THE ROLL ON THAT.

14 THE SECRETARY: BOARD MEMBER RELIS.

15 MEMBER RELIS: AYE.

16 THE SECRETARY: BOARD MEMBER JONES.

17 MEMBER JONES: AYE.

18 THE SECRETARY: CHAIRMAN FRAZEE.

19 CHAIRMAN FRAZEE: AYE. THE MOTION IS  
20 CARRIED. IF THERE'S NO OBJECTION, WE WILL  
21 RECOMMEND CONSENT ON THAT ITEM.

22 NOW, WE ARE READY FOR THE  
23 CONSIDERATION OF ADOPTION OF A NEGATIVE DECLARATION  
24 FOR A MAJOR WASTE TIRE FACILITY PERMIT FOR THE  
25 CALIFORNIA ASBESTOS MONOFILL IN CALAVERAS COUNTY.

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1 MS. RICE: THANK YOU, MR. CHAIRMAN.

2 MICHAEL KEFFER WILL MAKE THE STAFF PRESENTATION.

3 BEFORE HE BEGINS, I'D LIKE TO BRIEFLY  
4 ACKNOWLEDGE BOTH MICHAEL AND BILL ISHMAEL OF THE  
5 DIVISION CEQA STAFF FOR THEIR VERY EXPEDITIOUS WORK  
6 ON THIS ITEM AND THE NEXT ONE. I REALLY APPRECIATE  
7 IT.

8 MR. KEFFER: GOOD MORNING, MR. CHAIRMAN,  
9 MEMBERS OF THE COMMITTEE. AGENDA ITEM NO. 7 IS AN  
10 INFORMATIONAL ITEM TO ALERT MEMBERS OF THE  
11 COMMITTEE TO AN ITEM THAT WILL BE PRESENTED TO THE  
12 FULL BOARD AT ITS MEETING ON NOVEMBER 19, 1997. AT  
13 THAT TIME THE BOARD WILL BE REQUESTED TO CONSIDER  
14 THE ADOPTION OF A NEGATIVE DECLARATION FOR A MAJOR  
15 WASTE TIRE FACILITY PERMIT FOR CALIFORNIA ASBESTOS  
16 MONOFILL, COMMONLY CALLED CAM, IN CALAVERAS COUNTY.

17 AS PART OF THEIR MAJOR WASTE TIRE  
18 FACILITY PERMIT APPLICATION, CAM PRESENTED VARIOUS  
19 ENVIRONMENTAL DOCUMENTS TO SATISFY THAT PORTION OF  
20 THE APPLICATION REQUIRING COMPLIANCE WITH THE  
21 CALIFORNIA ENVIRONMENTAL QUALITY ACT. AFTER  
22 DETERMINING THAT THESE DOCUMENTS DID NOT ADEQUATELY  
23 COVER THE STORAGE OF WASTE TIRES ON THE PREMISES OF  
24 CAM, AND ACTING AS THE LEAD AGENCY, BOARD CEQA  
25 STAFF PREPARED AN INITIAL STUDY AND NEGATIVE

1       DECLARATION.

2                       THE NEGATIVE DECLARATION WAS FILED  
3       WITH THE STATE CLEARINGHOUSE ON OCTOBER 16, 1997,  
4       AND DISTRIBUTED TO RESPONSIBLE AND INTERESTED  
5       AGENCIES FOR COMMENT.   THE COMMENT PERIOD  
6       TERMINATES ON NOVEMBER THE 17TH, 1997, AND STAFF  
7       WILL BRING THE ISSUE OF ADOPTION OF THE NEGATIVE  
8       DECLARATION TO THE FULL BOARD ON NOVEMBER 19, 1997.

9                       ARE THERE ANY QUESTIONS I MIGHT  
10      ANSWER FOR MEMBERS OF THE COMMITTEE?

11                      MOVE ON TO ITEM NO. 8, WHICH REQUESTS  
12      THE COMMITTEE CONSIDER THE APPROVAL OF A MAJOR  
13      WASTE TIRE FACILITY PERMIT FOR CAM.   ON SEPTEMBER  
14      17, 1997, CAM SUBMITTED A MAJOR WASTE TIRE FACILITY  
15      PERMIT APPLICATION, DETAILING PROPOSED PLANS TO  
16      STORE UP TO 580 TONS OF WHOLE, UNSHREDDED WASTE  
17      TIRES AT THEIR FACILITY NEAR COPPEROPOLIS,  
18      CALIFORNIA.

19                      THE APPLICATION WAS DEEMED COMPLETE  
20      ON OCTOBER THE 16TH, AND A PREPERMIT INSPECTION WAS  
21      CONDUCTED BY BOARD AND CALAVERAS COUNTY PERSONNEL  
22      ON OCTOBER 27, 1997.   ALTHOUGH THE APPLICATION WAS  
23      SUPPLEMENTED BY NUMEROUS ENVIRONMENTAL DOCUMENTS,  
24      AS I'VE ALREADY STATED, BOARD STAFF PREPARED THE  
25      NEGATIVE DECLARATION TO SATISFY CEQA REQUIREMENTS.

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1 DURING THE PREPERMIT INSPECTION OF OCTOBER 27,  
2 1997, IT WAS DETERMINED THAT THE FACILITY MET OR  
3 EXCEEDED THE TECHNICAL STANDARDS FOR FIRE  
4 PREVENTION AND SUPPRESSION, VECTOR CONTROL,  
5 FACILITY ACCESS, AND THE STORAGE OF WASTE TIRES.

6 CAM IS PRESENTLY PERMITTED TO ACCEPT  
7 ASBESTOS-CONTAINING WASTE, AND MINOR ALTERATIONS  
8 WILL BE REQUIRED IN ORDER TO PREPARE FOR THE  
9 ACCEPTANCE OF WASTE TIRES.

10 FINANCIAL ASSURANCE MECHANISMS  
11 REQUIRED BY STATUTE AND REGULATION FOR A MAJOR  
12 WASTE TIRE FACILITY PERMIT WERE SUBMITTED AS PART  
13 OF THE APPLICATION, EXAMINED BY BOARD STAFF, AND  
14 DETERMINED ADEQUATE FOR THE PROPOSED PROJECT.

15 THE OPERATION PLAN AND EMERGENCY  
16 RESPONSE PLAN SUBMITTED WITH THE APPLICATION WERE  
17 ALSO DEEMED COMPLETE.

18 PENDING THE APPROVAL OF THE NEGATIVE  
19 DECLARATION FOR CAM ON NOVEMBER 19TH, STAFF  
20 RECOMMENDS THE COMMITTEE FORWARD THIS ITEM TO THE  
21 BOARD WITH SUPPORT FOR ADOPTION OF PERMIT DECISION  
22 97-506, APPROVING ISSUANCE OF A MAJOR WASTE TIRE  
23 FACILITY PERMIT NO. 05-TI-0726.

24                                REPRESENTATIVES OF CAM ARE PRESENT IN  
25        THE AUDIENCE TODAY.    ARE THERE ANY QUESTIONS YOU  
                                         46



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1 HAVE OF STAFF OR REPRESENTATIVES FROM THIS COMPANY?

2 CHAIRMAN FRAZEE: I UNDERSTAND THIS PERMIT  
3 IS FOR THE STORAGE OF TIRES ONLY AND NOT FOR THE  
4 ACTUAL MONOFILLING.

5 MR. KEFFER: THAT IS CORRECT. IT IS FOR  
6 THE ABOVE-GROUND STORAGE OF WASTE TIRES.

7 MEMBER RELIS: MY QUESTION WOULD -- IS  
8 CONCERNING -- LET'S SEE. THE INTENT, THEN, DOWN  
9 THE ROAD WOULD BE TO MONOFILL?

10 MR. KEFFER: THAT IS CORRECT.

11 MEMBER RELIS: SO THIS WOULD BE SOMEWHAT  
12 ANALOGOUS TO AN EARLIER DISCUSSION WE HAD HERE  
13 REGARDING OXFORD WHERE WE WERE LOOKING TO A  
14 POTENTIAL TIRE MONOFILL OPTION THERE AS A --

15 MS. RICE: THE OPERATOR MAY WANT TO SPEAK  
16 TO THIS MORE FULLY, BUT MY UNDERSTANDING IS THIS IS  
17 NOT SO MUCH A BACKUP AS THEY WILL ULTIMATELY NEED  
18 THE TWO AUTHORIZATIONS BECAUSE THEY WILL HAVE SOME  
19 AREA ABOVE-GROUND WHERE THEY ARE PROCESSING TIRES  
20 PRIOR TO PLACEMENT IN THE MONOFILL. SO ULTIMATELY  
21 THEY WOULD NEED BOTH THE PERMIT OR SOME KIND OF  
22 APPROVAL TO OPERATE THE MONOFILL AS WELL AS THE  
23 PERMIT THAT YOU ARE BEING REQUESTED TO ACT ON  
24 TODAY. SO THIS IS NOT INSTEAD OF A PERMIT FOR THE  
25 MONOFILL.

1                   MEMBER RELIS: NO. I UNDERSTAND THAT. MY  
2                   COMMENTS WERE MORE DIRECTED TO WE DIDN'T KNOW MUCH  
3                   ABOUT MONOFILLS WHEN WE WERE DEALING WITH THE  
4                   OXFORD CASE, SO THIS IS ONE FOR US TO STUDY  
5                   CAREFULLY BECAUSE SHOULD THIS BECOME A MORE  
6                   WIDESPREAD OPTION, WE NEED TO KNOW, WELL, IS THERE  
7                   ANY CHANCE OF, YOU KNOW, SPONTANEOUS COMBUSTION  
8                   WITHIN THE MONOFILL ITSELF DOWN THE ROAD. I'M NOT  
9                   TALKING TO THE PERMIT BEFORE US TODAY.

10                  MS. RICE: CORRECT. AND WE ARE CURRENTLY  
11                  WORKING ON AN ORDER THAT WOULD GOVERN THE OPERATION  
12                  OF THE NONFILL ITSELF, SO THE TWO WOULD WORK IN  
13                  TANDEM.

14                  MEMBER JONES: MR. RELIS, THE ISSUES THAT  
15                  WE HAD WITH THE OXFORD ONE, WELL, ALL THREE OF US  
16                  HAD, WERE VERY, VERY CONCERNED ABOUT THOSE THINGS.  
17                  I KNOW MR. FRAZEE HAS BEEN OUT TO CAM; I WENT OUT  
18                  TO CAM. ONE OF THE THINGS THAT I HAVE A REAL  
19                  COMFORT LEVEL WITH IS THAT ALL OF THE ENGINEERS  
20                  THAT ARE -- THAT HAVE BEEN THE REPUTED EXPERTS ON  
21                  WHY THOSE TIRE FIRES HAVE HAPPENED IN SHREDDED  
22                  ROADWAYS AND THINGS LIKE THAT ARE PART OF THE  
23                  PROJECT THAT CAM HAS HIRED TO MAKE SURE THAT THEIR  
24                  OPERATIONAL STANDARDS WHEN THEY DO START THE

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25 MONOFILL ELIMINATE WHAT IS -- NOBODY KNOWS FOR  
48

1 SURE -- BUT WHAT'S CONSIDERED TO BE WHAT PROBABLY  
2 STARTED THOSE FIRES, THOSE TYPES OF THINGS.

3 AND I KNOW THAT WHEN WE HAD -- WHEN  
4 WE HAD OUR ENGINEER FROM BACK EAST, AND I CAN'T  
5 THINK OF HIS NAME RIGHT NOW, OUR CIVIL ENGINEER,  
6 DANA HUMPHREYS, SAID THAT ONE OF THE BIG ISSUES  
7 WERE THE ORGANICS THAT WERE WITHIN THE SOIL THAT  
8 EVIDENTLY HAD HELPED FUEL THE FIRE WITH THE SHREDS  
9 HEATING UP, YOU KNOW, THE METAL SHRED THAT IS AT  
10 THE END OF THE TIRE SHRED.

11 AND ONE OF THE THINGS THAT I LEARNED  
12 WITH CAM IS THAT BECAUSE OF THEIR PROCESS PULLING  
13 ASBESTOS OUT OF THE MATERIAL, THAT THE PH. IS 7.  
14 THERE ARE NO ORGANICS LEFT IN THAT MATERIAL THEY'RE  
15 GOING TO BE COVERING WITH. IT KIND OF IS A  
16 UNIQUE -- PRETTY UNIQUE SET OF CIRCUMSTANCES. BUT  
17 I THINK WHAT -- I'VE BEEN KIND OF BEING KEPT UP TO  
18 SPEED ON THIS ONE. AND I THINK THAT THE CAM IS  
19 WORKING WITH STAFF; AND AS THIS THING GOES ALONG,  
20 THERE'S GOING TO BE A LOT OF SHARING OF INFORMATION  
21 BECAUSE WE WERE ALL VERY CONCERNED THAT WE PERMIT  
22 SOMETHING THAT WOULD CREATE AN ENVIRONMENTAL  
23 DISASTER AND THAT PROBABLY WASN'T GOOD POLICY. BUT  
24 THIS IS WORKING OUT -- SEEMS TO BE WORKING OUT  
25 PRETTY WELL SO FAR.

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1                   CHAIRMAN FRAZEE: MR. TONEY, DID YOU WISH  
2                   TO COMMENT ON THIS ITEM AT ALL?

3                   MR. TONEY: JUST TO SAY THAT I'M AVAILABLE  
4                   TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

5                   CHAIRMAN FRAZEE: NOW, AS I UNDERSTAND IT,  
6                   THE NEGATIVE DECLARATION WAS FOR INFORMATION ONLY.

7                   MR. DIER: YES. UPON REFLECTION, I THINK  
8                   STAFF WOULD RECOMMEND THAT THE COMMITTEE PROBABLY  
9                   FORWARD THAT TO THE BOARD WITHOUT RECOMMENDATION,  
10                  THEN WE'LL FINISH THE COMMENT PERIOD AND REPORT  
11                  BACK AT THE BOARD MEETING.

12                  CHAIRMAN FRAZEE: BOTH THE PERMIT AND  
13                  THE --

14                  MS. TOBIAS: I THINK YOU CAN RECOMMEND IF  
15                  YOU WOULD WANT THE PERMIT APPROVED SUBJECT TO THE  
16                  APPROVAL, FINISHING THE COMMENT PERIOD AND THE  
17                  APPROVAL OF THE NEG DEC. I DON'T HAVE A PROBLEM  
18                  WITH THAT.

19                  MEMBER RELIS: I WOULD SO MOVE.

20                  MEMBER JONES: I'LL SECOND.

21                  CHAIRMAN FRAZEE: WE HAVE A MOTION AND  
22                  SECOND ON THE ADOPTION OF RESOLUTION 97-506 WITH  
23                  THE PROVISIO THAT THIS IS A RECOMMENDATION TO THE  
24                  FULL BOARD PENDING ADOPTION OF THE ENVIRONMENTAL  
25                  IMPACT -- NEGATIVE DECLARATION. IF THE SECRETARY

1 WILL CALL THE ROLL ON THAT.

2 THE SECRETARY: BOARD MEMBER RELIS.

3 MEMBER RELIS: AYE.

4 THE SECRETARY: BOARD MEMBER JONES.

5 MEMBER JONES: AYE.

6 THE SECRETARY: CHAIRMAN FRAZEE.

7 CHAIRMAN FRAZEE: AYE. MOTION IS CARRIED.

8 NOW WE'RE READY FOR ITEM 10, THE  
9 CONSIDERATION OF TEMPORARY CERTIFICATION AND  
10 DESIGNATION OF THE CITY OF SAN DIEGO DEVELOPMENT  
11 SERVICES DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY  
12 FOR THE CITY OF SAN DIEGO.

13 MS. RICE: THANK YOU, MR. CHAIRMAN AND  
14 MEMBERS. MARY COYLE AND CHRISTINE MCCrackEN WILL  
15 PROVIDE THE STAFF PRESENTATION.

16 MS. COYLE: MR. CHAIRMAN AND MEMBERS, ON  
17 JULY 29, '97, THE CITY OF SAN DIEGO WITHDREW THE  
18 DESIGNATION OF THE COUNTY OF SAN DIEGO DEPARTMENT  
19 OF ENVIRONMENTAL HEALTH AS THEIR LOCAL ENFORCEMENT  
20 AGENCY.

21 BOARD STAFF WAS PROVIDED NOTICE OF  
22 THIS ACTION BY LETTER AND A COPY OF THE RESOLUTION  
23 ON AUGUST 20TH. THE LOCAL GOVERNING BODY IS  
24 REQUIRED TO GIVE THE BOARD 90 DAYS' NOTICE BEFORE

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25 THE EFFECTIVE DATE OF THE WITHDRAWAL OF DESIGNA-  
51

1       TION.   THE EFFECTIVE DATE HAS BEEN DETERMINED TO BE  
2       NOVEMBER 18TH.

3                       THE CITY SUBMITTED THE REQUIRED  
4       PAPERWORK FOR THEIR CERTIFICATION ON OCTOBER 15TH.  
5       CHRISTINE MCCRACKEN WILL PROVIDE THE DETAILS OF  
6       THAT PACKAGE.

7                       MS. MCCRACKEN:   GOOD MORNING.   AS YOU  
8       KNOW, THE PUBLIC RESOURCES CODE ALLOWS LOCAL  
9       GOVERNING BODIES TO DESIGNATE AN ENFORCEMENT AGENCY  
10      TO CARRY OUT THE SOLID WASTE PERMITTING,  
11      INSPECTION, AND ENFORCEMENT DUTIES IN THEIR  
12      JURISDICTION.   REGULATIONS REQUIRE A DESIGNATED  
13      LOCAL AGENCY DEVELOP, SUBMIT FOR BOARD APPROVAL,  
14      AND ADOPT AN ENFORCEMENT PROGRAM PLAN.

15                      THE EPP NEEDS TO DEMONSTRATE THAT THE  
16      LEA MEETS ALL REQUIREMENTS FOR CERTIFICATION.   AS  
17      OF AUGUST 1ST, 1992, THE BOARD CAN APPROVE A  
18      DESIGNATION IF IT FINDS THAT THE DESIGNATED  
19      ENFORCEMENT AGENCY IS CAPABLE OF FULFILLING ITS  
20      RESPONSIBILITIES UNDER THE ENFORCEMENT PROGRAM AND  
21      MEETS THE CERTIFICATION REQUIREMENTS ADOPTED BY THE  
22      BOARD.

23                      FOR A LOCAL AGENCY TO BE CERTIFIED BY  
24      THE BOARD, THE ENFORCEMENT AGENCY MUST HAVE THE  
25      FOLLOWING:   TECHNICAL EXPERTISE, ADEQUATE STAFF



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1       RESOURCES, ADEQUATE BUDGET RESOURCES, ADEQUATE  
2       TRAINING, THE EXISTENCE OF AT LEAST ONE PERMITTED  
3       SOLID WASTE FACILITY PERMIT WITHIN THE JURISDICTION  
4       OF THE LOCAL AGENCY, NO OPERATIONAL INVOLVEMENT IN  
5       ANY OF THE TYPES OF FACILITIES OR SITES THAT  
6       PERMITS, INSPECTS, OR ENFORCES, AND A SOLE -- BE A  
7       SOLE ENFORCEMENT AGENCY FOR THE LEA JURISDICTION.

8                       THE CITY OF SAN DIEGO HAS REQUESTED  
9       CERTIFICATION FOR ALL FOUR TYPES OF INSPECTION,  
10      PERMITTING, AND ENFORCEMENT DUTIES. BOARD STAFF  
11      HAS REVIEWED THE DESIGNATION INFORMATION PACKAGE  
12      AND THE ENFORCEMENT PROGRAM PLAN SUBMITTED BY THE  
13      CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT  
14      AND HAS FOUND THE DOCUMENTATION MEETS THE REQUIRE-  
15      MENTS OF STATUTE AND REGULATION.

16                     STAFF HAS RECENTLY LEARNED THAT THE  
17      CITY MANAGER HAS VACATED HIS OFFICE. STAFF WILL  
18      NEED TO OBTAIN A NEW FORM 1000 SIGNED BY A  
19      QUALIFIED REPRESENTATIVE PRIOR TO THE BOARD MEETING  
20      TO COMPLETE ALL REQUIRED PAPERWORK.

21                     THERE IS AN ITEM TO NOTE WHICH MAKES  
22      THIS REQUEST FOR CERTIFICATION UNIQUE. THE CITY OF  
23      SAN DIEGO PROPOSES TO UTILIZE UNDER CONTRACT A  
24      PROGRAM MANAGER AND VARIOUS LEA STAFF FROM OTHER



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1       1998. BY THAT TIME THE CITY INTENDS TO HIRE THEIR  
2       OWN PROGRAM MANAGER IN ADDITION TO FILLING AN  
3       INSPECTOR AND ENGINEER POSITION.

4               THE CITY IS FULLY COMMITTED TO  
5       ASSUMING AND PERFORMING ALL DUTIES AND RESPONSI-  
6       BILITIES OF A CERTIFIED LEA ON NOVEMBER 19, 1997,  
7       WITH THIS STAFFING ARRANGEMENT.

8               THE OPTIONS AVAILABLE TO THE BOARD  
9       REGARDING THIS REQUEST FOR CERTIFICATION ARE FOUND,  
10      I BELIEVE, ON PAGE 57 OF YOUR PACKET. AND MARY  
11      COYLE WILL PRESENT THOSE.

12              MS. COYLE: BASED ON THE PAPERWORK WE  
13      RECEIVED AND PENDING RECEIPT OF THE UPDATED FORM  
14      1000, BOARD STAFF DO RECOMMEND THAT THE BOARD  
15      APPROVE THE EPP, APPROVE THE DESIGNATION, AND ISSUE  
16      TEMPORARY CERTIFICATION FOR THE JURISDICTION. THE  
17      TEMPORARY CERTIFICATION IS ALLOWED IN REGULATION  
18      BASED ON -- AND WE ARE RECOMMENDING THAT BASED ON  
19      THE FACT THAT THE AGENCY HAS NOT HAD AN ABILITY TO  
20      SHOW THEIR EXPERIENCE IN PERFORMING DUTIES AND  
21      RESPONSIBILITIES OF A LOCAL ENFORCEMENT AGENCY.

22              THEREFORE, WE RECOMMEND THE BOARD  
23      ADOPT RESOLUTION 97-508. DAVID CAREY, THE

24       CONSULTANT FOR THE CITY OF SAN DIEGO, LISA WOOD,  
25       ENVIRONMENTAL SERVICES DEPARTMENT, AND ELMER  
HEAP,

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1 CITY ATTORNEY, IS IN THE AUDIENCE TO ANSWER ANY  
2 QUESTIONS THAT THEY MAY BE AVAILABLE FOR. ARE  
3 THERE ANY QUESTIONS OF STAFF?

4 CHAIRMAN FRAZEE: QUESTIONS?

5 MEMBER RELIS: I HAVE JUST IN TERMS OF  
6 THIS ARRANGEMENT OF USING CONSULTANTS, LET ME  
7 UNDERSTAND. I'VE DISCUSSED THIS WITH MR. CAREY AND  
8 I THINK I UNDERSTAND HIS ROLE. THE OTHER PARTIES  
9 WOULD BE CONTRACTED TO DO THIS WORK, AND THEY'RE  
10 CURRENTLY DOING -- THEY'RE CURRENTLY EMPLOYED IN  
11 OTHER GOVERNMENTAL AGENCIES. IS THAT SO?

12 MS. COYLE: YES. HE HAS IDENTIFIED  
13 SEVERAL INDIVIDUALS THAT ARE CURRENTLY ASSIGNED TO  
14 CERTIFIED LEA JURISDICTIONS IN OTHER PARTS OF THE  
15 STATE, AND THEY ARE HAVING ABILITIES TO BE ABLE TO  
16 FULFILL SOME WORK ASSIGNMENTS WITHIN THE CITY OF  
17 SAN DIEGO.

18 MEMBER RELIS: LET ME JUST PURSUE FOR A  
19 MINUTE. OKAY. THEY HAVE FULL-TIME JOBS, I TAKE  
20 IT.

21 MS. COYLE: SOME OF THEM DON'T.

22 MEMBER RELIS: IS THIS A MOONLIGHTING  
23 OPERATION OR WHAT? I JUST NEED TO KNOW THAT --  
24 LEA'S ARE USUALLY AVAILABLE DURING NORMAL HOURS  
AND

25

TO DO NORMAL INSPECTIONS. AND I JUST WANT TO BE

55

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1        ASSURED THAT THE INTEGRITY OF THIS APPROACH IS NOT  
2        COMPROMISED BY LACK OF AVAILABILITY.

3                MR. UNSELL:    TOM UNSELL.    SPEAKING FROM  
4        THE DOCUMENTATION THAT WE RECEIVED, WE WOULD NOT  
5        HAVE KNOWLEDGE OF WHETHER THAT'S MOONLIGHTING OR  
6        WHAT THOSE ABILITIES WOULD BE, BUT I THINK PERHAPS  
7        THE CITY REPRESENTATIVE AND THE PROPOSED LEA MAY BE  
8        ABLE TO SPEAK TO THAT ISSUE.

9                CHAIRMAN FRAZEE:    LET'S HEAR FROM MR.  
10        CAREY.

11               MR. CAREY:    MORNING, MR. CHAIRMAN,  
12        MEMBERS.    DAVE CAREY REPRESENTING THE CITY OF SAN  
13        DIEGO.    I'D BE HAPPY TO ANSWER THOSE QUESTIONS.

14               POINT OF CLARIFICATION WITH REGARD TO  
15        FORM 1000 FIRST.    THAT WAS SIGNED BY OUR DEPUTY  
16        CITY MANAGER, WHO IS STILL EMPLOYED, AND THAT IS AN  
17        AUTHORIZED SIGNATURE ON THAT FORM 1000.

18               WITH REGARD TO CONTRACT STAFF, IT  
19        WILL CERTAINLY BE A LOGISTIC SCHEDULING CHALLENGE.  
20        I HAVE OVER EIGHT INDIVIDUALS WHO HAVE COMMITTED  
21        OVER ALMOST TWO FULL-TIME EQUIVALENT STAFF.    WE  
22        HAVE A FULL-TIME CIVIL ENGINEER WITH THE CITY OF  
23        SAN DIEGO WHO IS ASSIGNED TO THE PROGRAM.    SO WE  
24        HAVE ONE FULL-TIME PERSON THERE.

25               OUR TIME TASK ANALYSIS HAS INDICATED





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1 WE ALSO NEED ONE FULL-TIME INSPECTOR. I HAVE THE  
2 EQUIVALENT OF 1.8 PART-TIME STAFF. SO WE FEEL THAT  
3 WE HAVE THE ABILITY WITH THE FLEX DAYS THAT THE  
4 INDIVIDUALS HAVE THAT ARE CURRENTLY WORKING WITH  
5 SOME OF THE OTHER LEA'S, THAT THEY ARE GOING TO BE  
6 ABLE TO GIVE US THE EQUIVALENT WITHOUT HAVING TO  
7 TECHNICALLY MOONLIGHT AND HAVE TO FIGURE OUT WHEN  
8 THE FULL MOON IS OUT THERE, SO WE'RE OUT THERE ON  
9 THE FACILITY, BUT A MONDAY THROUGH SATURDAY-TYPE OF  
10 OPERATION. WE WILL BE FULLY PREPARED TO GO FORWARD  
11 WITH THAT KIND OF INSPECTION AND PERMITTING  
12 ENFORCEMENT ACTIVITIES.

13 MEMBER RELIS: LET ME PURSUE THAT A LITTLE  
14 FURTHER. I MEAN IT IS AN UNUSUAL -- WE ALL HAVE TO  
15 ADMIT THIS IS SOMEWHAT AN UNUSUAL ARRANGEMENT. AND  
16 THIS IS A LARGE JURISDICTION. I MEAN WE MIGHT SEE  
17 THIS TYPE OF PROPOSAL IN SOME OF OUR RURAL COUNTIES  
18 WITH THE PROBLEMS THEY HAVE WITH STAFFING, BUT I  
19 MEAN THIS IS SAN DIEGO, ONE OF THE BIGGEST  
20 POPULATION CENTERS IN CALIFORNIA.

21 AND SO I THINK IT'S REASONABLE TO  
22 REALLY PURSUE THIS POINT BECAUSE ENFORCEMENT IS A  
23 DAY-IN AND DAY-OUT MATTER. IT DOESN'T AND IT  
24 SHOULD NOT -- ITS PERFORMANCE SHOULD NOT BE

25 COMPROMISED BY SCHEDULING CONFLICTS. I'M JUST  
57

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1       WONDERING, PUTTING MYSELF IN THAT POSITION, I'M ONE  
2       OF THESE CONTRACT PEOPLE, AND I HAVE A FULL-TIME  
3       JOB.  AND WHERE IS MY PRIMARY ALLEGIANCE?  IT'S  
4       GOING TO BE TO MY FULL-TIME POSITION.  YOU CALL ME  
5       OR I DON'T KNOW WHO WOULD CALL AND SAY, "I NEED AN  
6       INSPECTION."  "WELL, GEE.  I'M TIED UP TODAY."

7                       HOW -- HOW DO WE -- WHAT ASSURANCE DO  
8       WE HAVE IN THIS ARRANGEMENT THAT THAT WON'T HAPPEN  
9       BECAUSE OTHERWISE WE'VE FAILED OUR PRIMARY  
10      FUNCTION?

11                   MR. CAREY:  I CERTAINLY UNDERSTAND WHERE  
12      YOU ARE COMING FROM AS TO PROTECT THE PUBLIC AND  
13      CERTAINLY PROTECT THOSE FACILITIES THAT WE HAVE.  
14      BUT I'VE ENSURED -- NO. 1, I'M A REGISTERED  
15      ENVIRONMENTAL HEALTH SPECIALIST MYSELF WITH THREE  
16      YEARS.  EVEN THOUGH I CONCUR IN THE RECOMMENDATION  
17      THAT STAFF HAS MADE TO GIVE A CITY OF SAN DIEGO A  
18      TEMPORARY CERTIFICATION, I'VE HAD THREE YEARS  
19      EXPERIENCE PERSONALLY AS THE LEA OF SAN DIEGO  
20      COUNTY IN 1983 TO '85.  OBVIOUSLY THAT PRECEDED THE  
21      NEW LAWS THAT CAME IN IN AB 939, WHAT HAVE YOU.

22                   BUT I DO HAVE THAT EXPERIENCE MYSELF,  
23      SO I PERSONALLY WOULD MAKE INSPECTIONS MYSELF.  I  
24      WILL BE AVAILABLE FULL TIME MYSELF.  I'LL HAVE A

25 STAFF ENGINEER FULL TIME AVAILABLE TO ME, SO  
THOSE

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1 ARE TWO EQUIVALENTS RIGHT THERE. THE PART-TIME  
2 STAFF THAT WE CALLED ON WILL NOT BE, EVEN THOUGH  
3 WE'VE GIVEN OURSELVES THAT WINDOW OF OPPORTUNITY TO  
4 JULY OF 1998, WE CERTAINLY HOPE TO HAVE QUALIFIED  
5 STAFF ON BOARD MUCH SOONER THAN THAT. THE PROCESS  
6 IS ALREADY GOING FORWARD FOR THE RECRUITMENT  
7 PROCESS, JOB CLASSIFICATIONS, AND WHAT HAVE YOU.  
8 SO WE'RE GOING TO BE HIRING FULL-TIME STAFF ON A  
9 VERY IMMEDIATE BASIS, AND HOPEFULLY THE PROGRAM  
10 MANAGER WILL BE THE FIRST PERSON THAT WE HIRE. I'M  
11 ONLY INTERIM OR IMPLEMENTATION PROGRAM MANAGER.  
12 AND THEN WE'LL HAVE A FULL-TIME PROGRAM MANAGER ON  
13 BOARD WHO WILL THEN HIRE THE QUALIFIED STAFF.

14 WE HAVE RIGHT IN OUR OWN JURISDICTION  
15 THE FORMER LEA IN SAN DIEGO COUNTY. WE HAVE TWO  
16 INDIVIDUALS WHO HAVE GIVEN US -- HAVE COMMITTED TO  
17 ME ON PAPER, WRITTEN COMMITMENT AGREEMENTS, THAT  
18 THEY WILL GIVE ME TEN DAYS JUST RIGHT THERE IN SAN  
19 DIEGO, PEOPLE THAT LIVE IN SAN DIEGO. WE ALSO  
HAVE

20 AN INDIVIDUAL WHO IS THE LEA FOR IMPERIAL COUNTY,  
21 JERRY QUICK -- THIS IS ALL IN THE EPP -- WHO IS A  
22 CONTRACT EMPLOYEE WITH IMPERIAL, WHO ONLY WORKS

12

23        DAYS A MONTH IN IMPERIAL.    HE'S WILLING TO GIVE

US

24        EIGHT DAYS IN SAN DIEGO THOSE OTHER EIGHT DAYS.

SO

25        THAT WOULDN'T BE IN DIRECT CONFLICT WITH ANY

OTHER

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1 WORKING COMMITMENT THAT HE HAS.

2 AND SO WITH THOSE THREE INDIVIDUALS  
3 ALONE, TWO FROM SAN DIEGO COUNTY AND THE IMPERIAL  
4 COUNTY JERRY QUICK INDIVIDUAL, WE HAVE BASICALLY  
5 FULL-TIME STAFF THAT WE CAN SPREAD OVER THE FULL  
6 COURSE OF THE TIME.

7 WE ALSO HAVE ADDITIONAL EMPLOYEES  
8 WORKING FOR OTHER LEA'S IN LOS ANGELES, RIVERSIDE,  
9 ORANGE COUNTY, CITY OF VERNON WHO HAVE AGREED TO  
10 COME DOWN ON FLEX DAYS. MANY OF THEM DON'T WORK A  
11 FIVE-DAY WEEK. THEY'RE WORKING FLEX DAYS, WHETHER  
12 THEY HAVE FRIDAYS OR MONDAYS OFF. SO THEY HAVE  
13 COMMITTED TO THOSE.

14 WHAT ASSURANCE DO I HAVE? I CAN JUST  
15 TELL YOU THAT I THINK THEY HAVE AN INCENTIVE TO  
16 WANT TO COME DOWN. WE HAVE A VERY COMPETITIVE PAY  
17 RATE THAT WE'RE PAYING THEM, AND I THINK THEY SEE  
18 THIS AS A CHALLENGE, AND WOULD LIKE TO HELP THE  
19 CITY.

20 MEMBER RELIS: WELL, MR. CHAIR, THIS IS  
21 JUST A COMMENT. CERTAINLY I'M NOT ASKING YOU, MR.  
22 CAREY, TO COMMENT ON THIS. BUT IT IS INTERESTING  
23 TO THINK THAT HERE WE HAVE A CASE WHERE WE'RE

24 TALKING ABOUT A TRANSITION. THAT'S REALLY WHAT  
25 THIS IS ABOUT. THE CITY OF SAN DIEGO WANTS TO  
60



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1       STAFF UP AND DO THIS IN A FULL BORE WAY.  AND I  
2       UNDERSTAND THAT THE OPTION WAS PRESENTED TO THEM  
3       THAT THE BOARD, YOU KNOW, IN A BACKUP ROLE, THIS IS  
4       THE KIND OF THING WE WOULD STEP IN AND FULFILL IN  
5       THE ABSENCE OF A -- I'M JUST CURIOUS WHY, AND I'M  
6       NOT ASKING FOR YOUR RESPONSE BECAUSE IT MIGHT BE  
7       DIFFICULT FOR YOU TO DO THAT, BUT WHY THAT WOULDN'T  
8       HAVE BEEN THE TRANSITION OPTION UNTIL YOU HAD YOUR  
9       TEAM IN PLACE.

10               MR. CAREY:  CAN I COMMENT TOO?  ACTUALLY  
11       WHAT WE PURSUED INITIALLY WAS THE CONTRACT WITH THE  
12       CITY OR THE COUNTY OF SAN DIEGO, THE DEPARTMENT OF  
13       ENVIRONMENTAL HEALTH SERVICES.  AND WE HAD ENTERED  
14       INTO NEGOTIATIONS WITH THEM DURING THIS WHOLE  
15       PROCESS; AND AS MARY COYLE HAS POINTED OUT, OUR EPP  
16       HAD TO BE SUBMITTED ON OCTOBER 15TH.  ON OCTOBER  
17       16TH THE COUNTY FINALLY GOT BACK TO US AND TOLD US  
18       THAT THEY WEREN'T IN A POSITION TO CONTRACT WITH  
19       US.

20               SO WE WERE GOING UNDER THE  
21       ASSUMPTION, WHAT WE FELT WAS THE ASSUMPTION, THAT  
22       THEY WERE GOING TO BE ABLE TO WORK WITH US DURING  
23       THIS TRANSITION PERIOD.  WE HAD OFFERED THE

24 CONTRACT WITH THEM ALL THE WAY TO THE NEXT FISCAL  
25 YEAR SO AS NOT TO DISRUPT THEIR FINANCIAL --

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1 OPERATOR'S FINANCIAL SHARING OF THE WAY THE FEES  
2 WOULD HAVE TO BE STRUCTURED. AND THEY SAID, "WELL,  
3 WE DON'T THINK WE CAN DO THAT, BUT MAYBE WE CAN DO  
4 IT TO THE FIRST OF THE YEAR." SO WE WERE GOING  
5 UNDER THAT ASSUMPTION, AND THAT DIDN'T PAN OUT  
6 UNDER CIRCUMSTANCES THAT THEY CHOSE NOT TO DO.

7 BUT THAT WAS OUR FIRST OPTION, TO GO  
8 WITH THE EXISTING LEA IN SAN DIEGO COUNTY. WE HAVE  
9 THE HIGHEST RESPECT FOR KEN CALVERT AND STAFF DOWN  
10 THERE. THAT'S WHAT WE WANTED.

11 FORTUNATELY, I WAS ABLE TO GET TWO OF  
12 KEN'S STAFF TO BE ABLE TO WORK WITH US ANYWAY, NOT  
13 HAVE A CONFLICT OF INTEREST. THEY'VE GONE THROUGH  
14 THEIR HUMAN RESOURCES AND THEIR ATTORNEYS TO MAKE  
15 SURE THAT THERE WASN'T A CONFLICT BY WORKING WITH  
16 THE CITY DURING THIS TRANSITION PERIOD. SO I THINK  
17 WE'VE COVERED THAT.

18 CERTAINLY AN OPTION THAT WE HAVE AS  
19 ONE OF THE THREE OPTIONS THAT BOARD STAFF HAS  
20 IDENTIFIED IS THAT IF WE WEREN'T CERTIFIED ON THE  
21 FULL BOARD HEARING IN NOVEMBER, THEN AUTOMATICALLY  
22 YOUR BOARD STAFF, YOUR ENFORCEMENT AGENCY ITSELF  
23 WOULD BE THE ENFORCEMENT AGENCY, BUT I THINK WE  
24 HAVE A GOOD WORKABLE PLAN, AND I THINK IT WILL BE A

25

TRANSITION. IT WILL ALSO MAKE FOR A SMOOTH

62

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1       TRANSITION. I THINK WE'LL HAVE PEOPLE THAT WILL BE  
2       WORKING WITH US AND MAY END UP BEING EMPLOYED WITH  
3       US. THAT'S WHAT WE'RE HOPING.

4               MEMBER JONES: MR. CHAIRMAN. I DON'T  
5       KNOW, MR. CAREY, IF YOU ARE GOING TO BE ABLE TO  
6       ANSWER THIS QUESTION OR NOT, BUT YOU BROUGHT IT  
7       UP. AND THE LEA IS WHO YOU -- YOUR EXISTING LEA IS  
8       WHO THE CITY WANTED TO ORIGINALLY CONTRACT WITH.  
9       I'M CURIOUS AS TO WHO DROVE THE IDEA WITH THE CITY  
10      TO DECERTIFY THAT LEA?

11             MR. CAREY: WELL, OBVIOUSLY WE'RE GETTING  
12      INTO WHAT THE MOTIVE IS FOR THE CITY TO BECOME ITS  
13      LEA. ALTHOUGH THAT'S OUTSIDE THE PURVIEW OF PRC  
14      43200, I DON'T HAVE A PROBLEM IN ANSWERING THAT. I  
15      THINK THAT'S IMPORTANT. I TRIED TO TALK TO MR.  
16      LIPSON ABOUT THAT. I'VE TALKED TO JOHN CLAY AND TO  
17      MR. RELIS PERSONALLY ABOUT SOME OF THE MOTIVATION  
18      BEHIND WHY THE CITY IS GOING FORWARD WITH THIS  
19      THING.

20             THE CITY, AS MR. RELIS HAS POINTED  
21      OUT, IS THE SEVENTH LARGEST CITY IN THE COUNTRY,  
22      MUCH LESS IN THE STATE. WE'RE LOOKING AT A  
23      POPULATION OF 1.2 MILLION, WHICH REPRESENTS ABOUT  
24      44 PERCENT OF THE REGION ITSELF, COUNTY OF SAN

25

DIEGO. WE HAVE TWO OF THE THREE LARGEST LANDFILLS

63

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1        WITHIN THE CITY'S JURISDICTION.

2                        SO WHEN THE COUNTY, WHICH I THINK YOU  
3        ARE AWARE OF, BUT FOR THE RECORD, DECIDED TO SELL  
4        ITS ASSETS, ALL OF THEIR ASSETS, AND THEY DID THAT  
5        FOR A NUMBER OF REASONS, BUT FOR WHATEVER REASON,  
6        THEY HAVE DONE THAT. AND AS OF THIS LAST FRIDAY,  
7        THAT SALE HAS BEEN CONCLUDED. THEY OBVIOUSLY WERE  
8        THE LEAD IN THE REGION AS FAR AS SOLID WASTE  
9        ACTIVITIES, AND THEY WERE TAKING THAT LEAD. AND  
10       THEN WITH THE SALE, THAT LEADERSHIP ROLE HAS BEEN  
11       DIMINISHED. AND THE CITY FELT THAT IT WAS  
12       IMPORTANT THAT THEY STEP IN THE BREACH AND TAKE AN  
13       ACTIVE ROLE IN THE REGIONAL SOLID WASTE ISSUES  
14       SINCE THE CITY IS SUCH AN INTEGRAL PART OF THAT.

15                      SO THAT'S WHERE WE'RE BASICALLY AT.  
16       WE'RE LOOKING AT BEING ABLE TO GOVERN OUR OWN  
17       AFFAIRS WITHIN THE CITY, APPOINT OUR OWN HEARING  
18       PANEL, AND HAVE OUR OWN LEA.

19                      MEMBER JONES: ONE OF THE -- WHEN I TALKED  
20       TO OUR STAFF, THE CITY SAID THAT THEY WANTED THEIR  
21       OWN HEARING PANEL. AND THE STAFF SAID, "WELL, YOU  
22       CAN DO THAT NOW." YOU KNOW, "YOU CAN HAVE YOUR OWN  
23       HEARING PANEL," OR THAT WAS AN OPTION THAT THEY  
24       WOULD HAVE WORKED ON. BUT I DON'T KNOW IF THAT

25        EVER GOT FOLLOWED UP.   MY -- INDICATIONS I GOT WAS  
64



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1        THAT THERE WASN'T REALLY MUCH MORE DIALOGUE ABOUT  
2        THAT, YOU KNOW, IF THE CITY HAD ITS OWN REVIEW  
3        PANEL.

4                        AND MY QUESTION GOES TO I DON'T  
5        UNDERSTAND HOW AN LEA WHO IS RESPONSIBLE FOR THE  
6        HEALTH AND SAFETY OF THE CITIZENS TAKES ON A  
7        LEADING ROLE IN SOLID WASTE ISSUES IN A  
8        JURISDICTION.

9                        MR. CAREY: WELL, I THINK, AS YOU KNOW,  
10       THIS IS AN INTEGRATED PROGRAM, AND SOLID WASTE IS  
11       CERTAINLY THE CORNERSTONE OF ANY OF THE PROGRAMS,  
12       BUT SO MUCH IS A LYNCHPIN WITHIN SOLID WASTE. AS  
13       THE COUNTY PULLED OUT AND SOLD THEIR ASSETS, THEY  
14       LOST THE FUNDING FOR THEIR HOUSEHOLD HAZARDOUS  
15       WASTE PROGRAMS WHICH WERE BEING FUNDED THROUGH THE  
16       SOLID WASTE ENFORCEMENT PROGRAMS.

17                       THIS HAS BECOME A KEY REGIONAL  
18       ISSUE,  
19       SO IT'S JUST NOT SOLID WASTE BY ITSELF. THERE WAS  
20       THIS WHOLE DOMINO EFFECT THAT OCCURRED WITH OTHER  
21       PROGRAMS THAT WERE DEPENDENT UPON WHAT WAS  
22       HAPPENING IN SOLID WASTE, WHETHER IT WAS IN THE  
23       ENFORCEMENT SIDE OR ON THE OP SIDE. SO THE

COUNTY,

23 BY STEPPING BACK AND STEPPING OUT OF THE SOLID

24 WASTE BUSINESS --

25 MEMBER JONES: AS AN OPERATOR.

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1                   MR. CAREY:  -- AS AN OPERATOR DEFINITELY,  
2       HAS CAUSED A RIPPLE EFFECT THROUGHOUT MANY OF THE  
3       CITIES.  AND THE CITY OF SAN DIEGO BEING SUCH A  
4       LARGE CITY AND WANTING TO BE ABLE TO HAVE THE  
5       ABILITY TO EXERCISE ITS RIGHT TO GOVERN ITSELF AND  
6       HAVE THE HEARING PANEL ACCOUNTABLE TO THE CITY  
7       COUNCIL RATHER THAN THE BOARD OF SUPERVISORS WHERE  
8       IT IS RIGHT NOW UNDER THE LEA HAS EXERCISED THEIR  
9       RIGHT TO DEDESIGNATE THE COUNTY.

10                   AND THAT'S CERTAINLY ONE MAJOR ISSUE.  
11       THERE'S ANOTHER WHERE WE WOULD LIKE TO HAVE THE  
12       POLICY DIRECTION OF THE CITY COORDINATED, WHETHER  
13       IT'S -- THEY'RE DOING SOLID WASTE ENFORCEMENT FOR  
14       LITTER CONTROL IN ONE DEPARTMENT AND MAYBE  
15       SOMETHING ELSE SOMEWHERE ELSE.  THIS WILL BE ABLE  
16       TO HAVE A COMPREHENSIVE COORDINATION OF BEING ABLE  
17       TO ENFORCE REGULATORY CONTROL IN THE CITY.

18                   MEMBER JONES:  THAT'S WHERE I'M GETTING  
19       CONFUSED.  IS IT THE LEA IS THE POLICEMAN BASICALLY  
20       FOR THE ENVIRONMENTAL PROTECTION.  HOW DOES THE LEA  
21       FILL THE ROLE AS A POLICY LEADER IN SOLID WASTE  
22       ISSUES THAT ARE OPERATIONAL?  I DON'T  
UNDERSTAND

23       HOW AN LEA FULFILLS THAT FUNCTION.

24                   MR. CAREY:  WELL, CERTAINLY THE ROLE,

AS

25 WITH ANY REGULATORY AGENCY, WHETHER IT'S A  
STATE

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1 AGENCY OR A LOCAL AGENCY, HAS POLICY DIRECTION.  
2 AND I MEAN WE'RE GOING TO ENFORCE MINIMUM STATE  
3 STANDARDS, BUT THERE ARE CEQA REQUIREMENTS AND CUP  
4 TERMS AND CONDITIONS WHICH IN LOCAL ORDINANCES,  
5 WHICH ALSO CAN BE ENFORCEABLE WITHIN THE  
6 JURISDICTION OF THE SOLID WASTE PROGRAM TO SOME  
7 EXTENT, AT LEAST FOR THE DIRECTION. SO YOU ARE  
8 GOING TO MOVE FORWARD IN THAT DIRECTION WITH THAT  
9 KIND OF CONSOLIDATED, STREAMLINED, COORDINATED  
10 EFFORTS. YOU ARE NOT GOING TO HAVE YOUR LEA  
11 HANGING OUT HERE AND HAVING YOUR NEIGHBORHOOD  
12 COMPLIANCE PEOPLE DOING SOMETHING COMPLETELY  
13 INAPPROPRIATE OVER HERE WHERE THERE CAN BE SOME  
14 COORDINATION.

15 MEMBER JONES: WHEN YOU SAY NEIGHBORHOOD  
16 COMPLIANCE PEOPLE, I DON'T UNDERSTAND.

17 MR. CAREY: LITTER CONTROL, FOR EXAMPLE.

18 MEMBER RELIS: I WAS GOING TO ASK YOU WHEN  
19 YOU ARE DONE.

20 MEMBER JONES: GO AHEAD.

21 MEMBER RELIS: WELL, JUST I'M TRYING TO  
22 UNDERSTAND THE DIFFERENCE OF WHAT YOU ARE SAYING  
23 AND WHAT IS INHERENTLY THE RELATIONSHIP THAT WE  
24 HAVE THROUGHOUT THE STATE. I MEAN WE HAD A CASE  
25 HERE, IF YOU RECALL, WITH WEST COVINA WHERE WE HAVE



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1       AN LEA ENFORCING A LANDFILL THAT IS UNDER A LOCAL  
2       JURISDICTION THAT -- THAT IN THAT CASE DIDN'T  
3       PARTICULARLY LIKE THAT LANDFILL THERE.

4                       I MEAN I'M TRYING TO UNDERSTAND WHAT  
5       FUNDAMENTALLY THE DIFFERENCE HERE.   MAYBE STAFF CAN  
6       HELP US.

7                       MEMBER JONES:   DIFFERENCE BETWEEN THIS AND  
8       WEST COVINA?   PROBABLY NONE.

9                       MEMBER RELIS:   WELL, I'M NOT TRYING --  
10      ESSENTIALLY WE HAVE THIS TYPE OF -- AND THIS IS THE  
11      FUNDAMENTAL QUESTION ABOUT THE LEA ARM'S LENGTH  
12      RELATIONSHIP.   I GUESS THE QUESTION IS WHAT IS  
13      DIFFERENT ABOUT -- WHAT WOULD BE DIFFERENT ABOUT  
14      THIS RELATIONSHIP THAN WHAT WE HAVE THROUGHOUT THE  
15      STATE?

16                      MS. RICE:   I DON'T KNOW IF I CAN HELP.  
17      I'LL TRY.   CLEARLY, WE HAVE A SITUATION THAT'S SET  
18      UP UNDER STATE LAW WHERE YOU HAVE LEA'S WHO ARE  
19      ARMS OF LOCAL GOVERNMENT, AND YOU HAVE A MIX OF  
20      PUBLIC AND PRIVATE FACILITIES.   SOME OF THE PUBLIC  
21      FACILITIES ARE ARMS OF LOCAL GOVERNMENT, AND THAT  
22      EXISTS IN EVERY CITY AND EVERY COUNTY VIRTUALLY.  
23      OF COURSE, THERE ARE SOME THAT HAVE NO PUBLIC  
24      FACILITIES.

25                      I CAN UNDERSTAND A LITTLE BIT OF WHAT

1 THE SPEAKER IS SAYING, THAT ANY PUBLIC AGENCY MAKES  
2 SOME POLICY DECISIONS IN TERMS OF HOW THEY DO THEIR  
3 BUSINESS. WE CERTAINLY DO THAT. MOST AGENCIES DO.  
4 YOU LOOK AT A QUESTION AND YOU TRY TO FIGURE OUT  
5 WHAT'S THE RIGHT THING TO DO. IT'S NOT ALWAYS  
6 CLEAR FROM THE FACE OF THE STATE MINIMUM STANDARDS  
7 OR THE STRICT INTERPRETATION OF YOUR ROLE. SO THAT  
8 KIND OF THING DOES HAPPEN ROUTINELY.

9 AND AS FAR AS THE RELATIONSHIP  
10 BETWEEN THE DIFFERENT DEPARTMENTS AND THE OPERATING  
11 UNIT AND THE LEA, I THINK IT'S INEVITABLE, AND I'M  
12 SURE WE ALL ASSUME THAT COMMUNICATION DOES GO ON  
13 WITHIN LOCAL GOVERNMENTS WHEN THEY'RE REACHING  
14 DECISIONS. THAT IS THE NATURE OF THE LAW THAT WE  
15 HAVE, AND IT IS VERY HARD TO DRAW THOSE LINES. SO  
16 IT IS HARD TO RESPOND TO THOSE QUESTIONS, QUITE  
17 FRANKLY.

18 MEMBER JONES: YOU KNOW, MY -- WHERE I WAS  
19 GOING WITH THIS LINE WAS THAT WHEN THEY TALK ABOUT  
20 INTEGRATING A PROGRAM THROUGH THE LEA, THE LEA HAS  
21 ONE FUNCTION, AND THAT IS TO PROTECT THE HEALTH AND  
22 SAFETY OF THE PEOPLE. AND I LOOK AT STAFF HOURS AS  
23 BEING 3,074 STAFF HOURS REQUIRED FOR INSPECTIONS,  
24 PERMITTING, AND ENFORCEMENT ACTIVITIES. AND I LOOK



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25        AT THE PEOPLE THAT YOU HAVE HERE, THAT I'M SURE ARE  
69

1 ALL VERY QUALIFIED. I HAVE NO QUESTION ABOUT THAT.

2 BUT WHERE I HAVE A CONCERN, AS A  
3 FORMER OPERATOR, IS THAT HOW DO YOU PLAN ON -- ONE  
4 OF YOUR DUTIES IS TO BE AT HEARING PANELS, TO BE AT  
5 LEGAL PROCEEDINGS, TO BE AT ADMINISTRATIVE  
6 HEARINGS.

7 IF ME AS AN OPERATOR HAS A CITATION  
8 BY, LET'S SAY, QUONG THAN, WHO'S GOING TO BE THERE  
9 TWO DAYS A MONTH, AND I WANT TO GO TO A PERMIT  
10 REVIEW, I WANT TO GO TO AN ADMINISTRATIVE HEARING,  
11 OR MY LOCAL OR MY PANEL, DO I GET TO GO AT A DATE  
12 CERTAIN, OR DO I GET TO GO WHEN MR. OR MS. THAN IS  
13 AVAILABLE?

14 MR. CAREY: THAT'S AN EXCELLENT QUESTION,  
15 AND I APPRECIATE WHERE YOU ARE COMING FROM WITH  
16 IT. WHAT MY PLAN OF ATTACK ON THIS PARTICULAR  
17 ISSUE IS ON ENFORCEMENT ACTIONS, I WILL BE THE  
KEY  
18 PERSON, AND I WILL BE THE PERSON REPRESENTING.

IF

19 THE INDIVIDUAL FINDS A CONDITION ON A FACILITY  
THAT

20 HAS TO BE PURSUED INTO A FULL ENFORCEMENT ACTION,

I

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21 WILL BE THE PERSON THAT WILL BE THE FULL-TIME  
22 PERSON OR THE CIVIL ENGINEER WHO WILL HAVE THOSE  
23 INSPECTION AND ENFORCEMENT DUTIES ALSO.  
24 SO WE WILL HAVE LOGISTICAL ABILITY  
TO  
25 HAVE THAT HEARING PANEL SET AS SOON AS POSSIBLE,  
AS

1       SOON AS THE MEMBERS CAN MEET AND HAVE THAT THING  
2       HEARD, WITH OR WITHOUT THAT INITIAL INSPECTOR WHO  
3       MIGHT HAVE NOTED THAT VIOLATION.

4               MEMBER JONES:  IF THE INITIAL INSPECTOR  
5       THAT NOTED THE VIOLATION AND IT IS THAT  
6       INTERPRETATION OF VIOLATION THAT IS IN CONTENTION,  
7       YOU ARE GOING TO ASSUME THAT ROLE OF INTERPRETING  
8       WHAT HE OR SHE WROTE DOWN?

9               MR. CAREY:  I THINK WE DO THAT ANYWAY  
10       INHERENTLY; BUT IF THE PERSON IS NOT AVAILABLE, IF  
11       THE CONDITION HAS NOT BEEN CORRECTED, STAFF THAT IS  
12       AVAILABLE WILL MAKE SURE THAT THEY CITE IT AND SEE  
13       IT THEMSELVES SO THEY CAN BRING THAT FORWARD  
14       THROUGH THE HEARING PANEL PROCESS OR ENFORCEMENT  
15       ACTION.  IT WOULDN'T BE SOMETHING -- IF IT'S  
16       CORRECTED, THAT'S WHAT WE WANT.  IF IT'S NOT  
17       CORRECTED, WE WOULD HAVE STAFF THERE.

18               AND I THINK IN ANY GOOD ENFORCEMENT  
19       ACTIVITY, YOU DO THAT JUST BEFORE THE HEARING PANEL  
20       ANYWAY WHETHER YOU NOTED THE VIOLATION 30 DAYS AGO.  
21       YOU'RE ABOUT TO GO TO A HEARING PANEL, YOU BETTER  
22       HAVE BEEN OUT THERE THE DAY BEFORE TO ENSURE THAT  
23       THAT CONDITION STILL EXISTS.

24               MEMBER JONES:  WHAT IF AS AN OPERATOR I  
25       PUT A PERMIT PACKAGE THROUGH, AND I MEAN WE'VE GOT

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1       A TOTAL OF SOMEWHERE BETWEEN 32 AND 36 DAYS A  
2       MONTH, WHICH IS PLENTY, BUT HAVING TAKEN -- ONE  
3       PERMIT TOOK ME FIVE AND A HALF YEARS TO GET BECAUSE  
4       I HAD A ROTATING STAFF THAT I GOT TO DEAL WITH ALL  
5       THE TIME. WHAT IS THAT GOING TO DO TO PERMIT  
6       APPLICANTS THAT ARE GOING TO COME THROUGH THIS  
7       SYSTEM AS FAR AS HAVING SOMEBODY AVAILABLE TO WALK  
8       IT THROUGH CEQA, WALK IT THROUGH THE LOCAL THINGS,  
9       DEAL WITH ALL THE, YOU KNOW, DEAL WITH THE  
10      PAPERWORK, HOW IS THAT GOING TO BE HANDLED?

11               MR. CAREY: I WOULD SEE THAT MY CIVIL  
12      ENGINEER, WHO HAS SOLID WASTE EXPERIENCE, WOULD BE  
13      PROBABLY THE KEY PERSON BECAUSE THAT PERSON IS A  
14      FULL-TIME PERSON ON THE STAFF AS WELL AS MYSELF.  
15      IF YOU LOOK AT THAT TIME TASK ANALYSIS, YOU ARE  
16      LOOKING AT A LOT OF THOSE PERMITTING RESPONSI-  
17      BILITIES ARE WEIGHTED HEAVILY TOWARDS THE SENIOR  
18      INDIVIDUALS IN THE DEPARTMENT ANYWAY, THE PROGRAM  
19      MANAGER OR THE CIVIL ENGINEER. SO I WOULD SEE THAT  
20      AS BEING THE KEY PERSON THAT WOULD BE DRIVING ANY  
21      PERMIT, PERMIT REVISIONS THROUGH.

22               MEMBER JONES: THE -- I FULLY UNDERSTAND  
23      THE LAW AND -- DON'T FULLY UNDERSTAND, BUT I  
24      UNDERSTAND THAT THE CITY HAS THE RIGHT TO DO THIS.  
25      I WORRY BECAUSE OF A COUPLE OF THINGS. AND ONE OF

1        THEM IS THAT AT THE CITY COMMITTEE HEARING, THE  
2        SOLID WASTE COMMITTEE HEARING OR WHATEVER, THE CITY  
3        COUNCIL MEMBERS SAID AND THE CITY MANAGER SAID  
4        THINGS LIKE, "WE HAVE TO PROTECT OUR CITY. WE NEED  
5        TO BE THE LEA." I DON'T UNDERSTAND HOW THE CITY  
6        PROTECTS ITSELF FROM A PRIVATE OPERATOR BY BEING  
7        THE LEA.

8                        YOU KNOW, I JUST -- I CAN'T -- I CAN  
9        IMAGINE HOW THEY CAN DO THAT. I CAN'T BASE MY  
10       DECISION ON THAT, BUT I UNDERSTAND HOW AB 59 WORKS,  
11       AND I UNDERSTAND WHAT HAPPENS WHEN YOU HAVE  
12       REPEATED VIOLATIONS AND THOSE TYPES OF THINGS.

13                       BUT I DON'T UNDERSTAND HOW THE CITY  
14       COUNCIL MEMBERS SAY THAT THEY AND THE CITY MANAGER  
15       SAYS THAT THIS IS A GOOD LEA. THIS IS A HIGHLY  
16       RESPECTED LEA, BUT THEY SOLD THEIR SYSTEM AND WE  
17       HAVE TO PROTECT OURSELVES, SO WE'RE GOING TO BE THE  
18       LEA. I'M HAVING TROUBLE WITH UNDERSTANDING WHAT  
19       MECHANISMS CAN BE, YOU KNOW, CAN BE PUT FORWARD AS  
20       THE LEA THAT CAN PROTECT THE CITY UNLESS IT'S FINES  
21       AND CITATIONS TO THE COMPETITION.

22                       MR. CAREY: WELL, AS THE PROGRAM MANAGER  
23       OF THE LEA, I CAN JUST TELL YOU, AND I CAN'T  
24       JUSTIFY WHAT WAS SAID BY THE CITY COUNCIL OR BY

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25        PREVIOUS CITY MANAGER WHO, AS HAS BEEN REPRESENTED,  
73

1 HAS LEFT, AND THAT'S TRUE, MR. MCGRORY HAS LEFT THE  
2 COUNTY, AND WE JUST THIS LAST WEEK HAVE GOTTEN A  
3 NEW CITY MANAGER FROM HUNTINGTON BEACH. SO I CAN'T  
4 ADDRESS EXACTLY WHAT THEY SAID. I WASN'T AT THAT  
5 CITY COUNCIL MEETING MYSELF WHEN THAT RESOLUTION  
6 WAS PASSED.

7 I CAN ASSURE YOU AS PROGRAM MANAGER  
8 OF THE LEA THAT I CAN TELL YOU THAT WHETHER YOU ARE  
9 A PRIVATE OPERATOR OR IF YOU ARE PUBLIC FACILITY,  
10 YOU ARE GOING TO BE TREATED THE SAME, EQUALLY,  
11 UNIFORMLY, CONSISTENTLY. AND THAT'S ALL I CAN  
12 ASSURE YOU, THE BOARD, THE BOARD STAFF. AND I  
13 THINK THAT'S WHAT YOU HAVE TO COME AWAY WITH IS  
14 THAT ASSURANCE THAT MYSELF, MY REPUTATION, THAT I'M  
15 NOT GOING TO LEAD THE CITY DOWN SOME PATH THAT IS  
16 INAPPROPRIATE.

17 AND WE'RE GOING TO HIRE -- I'VE TAKEN  
18 MYSELF OUT, AND I CAN STAND UP AND PREACH BECAUSE  
19 I'VE TAKEN MYSELF OUT OF CONSIDERATION AS PROGRAM  
20 MANAGER FOR THE LEA. I WANT A HIGHLY QUALIFIED --  
21 NOT THAT I'M NOT, BUT I WANT A HIGHLY QUALIFIED  
22 PERSON. I'D LIKE TO BE PART OF THAT SELECTION  
23 COMMITTEE, AND I CAN GUARANTEE YOU THAT, BECAUSE OF  
24 WHAT I HAVE HELPED CREATE, AND LISA WOOD AND MR.



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25        HEAP ARE HERE TOO REPRESENTING THE CITY, THAT  
GERM

1        THAT WAS GERMINATED AND SPREAD FROM CERTAINLY THE  
2        OPERATIONS SIDE OF THIS, AND THAT'S ANOTHER ISSUE  
3        THAT I KNOW THAT'S SORT OF UNDERLYING, WHERE IS ALL  
4        THIS COMING FROM? WELL, SOMEWHERE THE SEED HAS TO  
5        BE PLANTED, AND WHERE ELSE BETTER FROM SOMEONE WHO  
6        HAS THE ABILITY AND KNOWLEDGE OF SOLID WASTE.

7                        AND MR. HAYES, WHO'S THE DIRECTOR OF  
8        ENVIRONMENTAL SERVICES AND HEAD OF OPERATIONS  
9        DEPARTMENT, COULDN'T BE A FINER INDIVIDUAL AND A  
10       MORE UPRIGHT AND HONEST AND INTEGRIBLE PERSON. I  
11       WOULD JUST SAY THAT YOU WILL HAVE TO JUST TRUST ME,  
12       MR. JONES, THAT I WILL ASSURE YOU THAT WHETHER YOU  
13       ARE A PRIVATE OPERATOR OR YOU'RE A PUBLIC FACILITY,  
14       YOU'RE GOING TO BE TREATED THE SAME IN THE CITY OF  
15       SAN DIEGO.

16                      MEMBER JONES: YOUR INTEGRITY IS NOT IN  
17       QUESTION BY ME. THIS IS AN ISSUE THAT I DON'T EVEN  
18       THINK THAT MY INDUSTRY WANTS ME TO GET INVOLVED IN  
19       OR THAT ANYBODY WANTS ME TO GET INVOLVED IN, BUT  
20       IT'S BEEN AN ISSUE THAT HAS ALWAYS BOTHERED ME,  
21       OKAY, FOREVER. AND IT BOTHERS ME WHEN A CITY  
22       COUNCIL THINKS THAT THE LEA CAN BE A TOOL TO  
23       EQUALIZE RATES.

24                      AND ONE OF THE -- I THINK MS. KETO

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OR

25 MS. KETO OR SOMETHING LIKE THAT, CITY

COUNCILPERSON

1       ON THAT COMMITTEE, KEOGH, SAID, YOU KNOW, SYCAMORE  
2       MUST STAY IN PUBLIC HANDS. THE LAST THING WE WANT  
3       IS A LANDFILL TO BE TURNED OVER TO A PRIVATE  
4       COMPANY BEHOLDEN ONLY TO THEIR STOCKHOLDERS. WE'D  
5       BE AT THE MERCY OF A PRIVATE COMPANY. THEY COULD  
6       TAKE THE TRASH MARKET OUT OF MIRAMAR, WHICH WOULD  
7       MESS UP OUR LONG-TERM PROJECTIONS. THIS COULD BE A  
8       VERY SERIOUSLY DAMAGING CONDITION FOR THE CITIZENS  
9       OF SAN DIEGO.

10                   I AGREE THAT HER CONCERNS ARE  
11       PROBABLY VALID, OKAY, NOT VALID, BUT I MEAN SHE'S  
12       AN ELECTED OFFICIAL. SHE'S WORRIED ABOUT HER  
13       CONSTITUENCY. BUT I'M WONDERING HOW DO PEOPLE  
14       WOULDN'T GO TO MIRAMAR WOULD GO TO SYCAMORE. WOULD  
15       THEY GO BECAUSE THE RATE WOULD BE LOWER? WHAT'S  
16       THE IMPACT ON THE RATEPAYER IF THE RATE IS LOWER?

17                   TO ME, IF THE RATE'S LOWER, THEIR  
18       RATES GO DOWN. SO, YOU KNOW, WHEN I HEAR SOMETHING  
19       LIKE THAT, WHEN I HEAR SOMETHING LIKE THAT ON A  
20       TAPE, AND THEN I HEAR THAT THERE IS THIS LINK  
21       BETWEEN THE LEA ACTIVITIES AND THE CITY MANAGER'S  
22       OFFICE, OKAY, THAT IN THE OPERATIONAL OR  
23       ORGANIZATIONAL CHART, YOU ARE GOING TO ANSWER THE  
24       DEPARTMENT OF SERVICES DEPARTMENT, MS. TINA

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25 CHRISTIANSON, BUT ALSO TO THE CITY MANAGER, WHO IS

1 THE SAME PERSON THAT THE SOLID WASTE DEPARTMENT  
2 GOES TO. AND BELIEVE ME, THAT HAPPENS. THAT  
3 HAPPENS ALL THE TIME. BUT YOU UNDERSTAND WHAT I'M  
4 SAYING? I'M LOOKING AT A STAFFING REQUIREMENT  
5 HERE. I'M LOOKING AT STAFF THAT'S NOT GOING TO BE  
6 AROUND. THEY'RE MOONLIGHTING. I'M LOOKING AT  
7 RATES THAT IN THE -- THE THING SAID THE RATES ARE  
8 GOING TO GO UP FOR INSPECTIONS WHERE THEY'RE NOT -

-

9 YOU KNOW, THEY STAY THE SAME NOW, I THINK, BECAUSE  
10 THERE IS A -- THERE'S -- YOU ARE SPREADING IT OUT  
11 OVER THE WHOLE COUNTY. SO WHEN YOU GO TO ONE  
CITY,

12 OBVIOUSLY THERE'S MORE -- YOU KNOW, YOU DON'T GET  
13 THAT ECONOMIES OF SCALE. SO THE COST IS GOING TO  
14 GO UP.

15 AND THEN I HEAR COUNCIL PEOPLE  
SAYING

16 WE GOT TO PROTECT OURSELVES. WE CAN'T LET THIS  
17 HAPPEN. WE'RE GOING TO BE THE LEA. WE'RE GOING  
TO

18 PROTECT OURSELVES. TELL ME WHAT CONCLUSION. YOU  
19 KNOW WHAT I'M SAYING?

20 MR. CAREY: MR. FRAZEE WAS A CITY COUNCIL  
21 MEMBER AND THE MAYOR OF A SMALL CITY IN SAN DIEGO  
22 COUNTY AT ONE TIME, AND YOU CAN'T CONTROL WHAT

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CITY

23 ELECTED OFFICIALS SAY. YOU CAN'T STAND UP THERE

24 AND TELL YOU.

25 MEMBER JONES: I UNDERSTAND, BUT AT THE

1 SAME TIME THEY THANK THE STAFF. AND I THINK RICH  
2 HAYES AND EPPLER ARE GOOD PEOPLE. BELIEVE ME, I'M  
3 NOT LOOKING AT THIS FOR THE CITY OF SAN DIEGO.  
4 OKAY. I MEAN I AM, BUT THIS HAS GOT A STATEWIDE  
5 EFFECT. THIS IS A HUGE ISSUE WHEN THE CITY SAYS  
6 COUNTY'S A GREAT LEA. COUNTY IS ABSOLUTELY A  
7 WONDERFUL LEA. WE WANT TO BE IN CONTROL. WE WANT  
8 OUR OWN HEARING PANEL. STAFF SAYS YOU CAN HAVE  
9 YOUR OWN HEARING PANEL. WE'RE GOING TO DECERTIFY,  
10 WE'RE GOING TO COME UP WITH A CONSULTANT AND  
11 PART-TIME MOONLIGHTERS TO FILL A FUNCTION. YOU  
12 KNOW, YOU GOT TO KIND OF -- I WORRY ABOUT A POLICY  
13 THAT WE'RE SETTING --

14 MR. CAREY: I PROBABLY HAVE THE MOST  
15 QUALIFIED STAFF WORKING FOR ME ON A SHORT-TERM  
16 BASIS THAN ANYBODY ELSE IN THE STATE. I PICKED  
17 INDIVIDUALS FROM THOSE JURISDICTIONS THAT HAVE OVER  
18 50 YEARS SOLID WASTE EXPERIENCE. SO I THINK --  
19 LOOK AT IT FROM MY PERSPECTIVE. I SURROUNDED  
20 MYSELF WITH EXPERTS THAT HAVE, YOU KNOW, THE MOST  
21 CURRENT KNOWLEDGE; AND AS AN ADMINISTRATOR, I'M  
22 GOING TO BE ABLE TO HAVE FULL UTILIZATION OF THOSE  
23 PEOPLE WHETHER I'M USING INSPECTIONS, PERMITTING,  
24 OR ENFORCEMENT ACTIVITY. SO I FEEL LIKE I'M AT THE  
25 OTHER END OF THE SPECTRUM WHERE I HAVE THE BEST OF



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1 ALL WORLDS FOR A SHORT PERIOD OF TIME TILL WE HAVE  
2 OUR OWN FULL-TIME STAFF ON BOARD.

3 ALL I CAN DO IS REITERATE THAT, YOU  
4 KNOW, THERE WILL BE EQUAL TREATMENT. YOU KNOW, THE  
5 MARKET -- I'M NOT WORRIED ABOUT WHERE THE MARKET  
6 GOES, WHETHER, YOU KNOW, THE PRIVATE OPERATOR  
7 REDUCES THE TIPPING FEES DOWN TO WHERE THEY'RE  
8 ATTRACTING. THAT'S NOT -- I'M NOT WORRIED ABOUT  
9 THAT. I'M GOING TO STAND TOE TO TOE WITH THE RICH  
10 HAYES AND BOB EPPLERS OF THE WORLD, AND WHOEVER WE  
11 HIRE TO REPLACE ME IS GOING TO BE ABLE TO HAVE THAT  
12 SAME ABILITY TO DO THAT. SO I CAN JUST ASSURE  
13 YOU --

14 MEMBER JONES: I DON'T CARE WHERE THE  
15 GARBAGE GOES EITHER, BELIEVE ME. THIS IS A  
16 DIFFERENT ISSUE FOR ME.

17 TWO REAL QUICK QUESTIONS BEFORE I'M  
18 DONE. WHO INSPECTS THE RESTAURANTS IN THE CITY OF  
19 SAN DIEGO?

20 MR. CAREY: COUNTY HEALTH DEPARTMENT,  
21 ENVIRONMENTAL HEALTH SERVICES.

22 MEMBER JONES: AND THE PUBLIC SWIMMING  
23 POOLS?

24 MR. CAREY: SAME THING.

25 MEMBER JONES: SO ALL -- THE ONLY FUNCTION

1 IS GOING TO BE TO OVERSEE THE GARBAGE?

2 MR. CAREY: WELL, IF YOU ARE TALKING ABOUT  
3 ENVIRONMENTAL DISCIPLINES, THERE'S HOUSING AND THE  
4 CITY OF SAN DIEGO DOES THEIR OWN HOUSING.

5 MEMBER JONES: ALL RIGHT. THANKS.

6 CHAIRMAN FRAZEE: MY TURN.

7 MEMBER JONES: THANKS FOR BEING PATIENT  
8 WITH ME, MR. CHAIRMAN. I APPRECIATE IT.

9 CHAIRMAN FRAZEE: AS I UNDERSTAND THE  
10 STATUTE, ONE OF THE KEY CORNERSTONES IS THIS  
11 SEPARATION OF THE LEA FACILITY FROM THE OPERATIONAL  
12 SIDE. AND THAT IS THE BASIS OF MY CONCERN ON THIS  
13 WHOLE PROPOSAL. AND I FULLY UNDERSTAND THAT THE  
14 CITY OF SAN DIEGO HAS COMPLIED WITH THE LAW.

THE

15 STAFF RECOMMENDATION IS TO GRANT THIS AUTHORITY,  
16 BUT I'M STILL TROUBLED. AND I THINK YOU, MR.  
17 CAREY, ADDED TO MY TROUBLE.

18 AND, WELL, FIRST OF ALL, YOUR  
19 STATEMENT THAT THE COUNTY NOW DOESN'T HAVE ANY  
20 OPERATIONAL ROLE IN SOLID WASTE FACILITIES,  
21 THEREFORE, THEIR LEA SHOULDN'T PERFORM IN THAT  
22 AREA. AND I THINK THAT -- THEREIN LIES THE

IDEAL

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23 SITUATION. IF YOU ARE GOING TO HAVE TRUE  
24 SEPARATION, YOU HAVE A COUNTY STAFF WHICH HAS NO  
25 OPERATIONAL FACILITIES OR OPERATIONAL  
CAPABILITIES

1        WITHIN THE COUNTY AT ALL, AND SO THAT MEETS THE  
2        TRUE TEST OF THE SPIRIT OF THE STATUTE, ANYWAY.

3                        AND MY MAJOR CONCERN ALL ALONG HAS  
4        BEEN, I THINK, SOMEWHAT MISTAKEN VIEW BY CITY OF  
5        SAN DIEGO PEOPLE THAT BY BEING THEIR OWN LEA,  
6        THEY'RE GOING TO BE ABLE TO ENFORCE THINGS OTHER  
7        THAN THE STATUTE, THE WASTE STATUTES. AND YOU USED  
8        THE TERM CONDITIONAL USE PERMITS AND ON AND ON, AND  
9        THERE ARE SOME STATEMENTS, AND I CAN'T FIND THEM IN  
10      YOUR APPLICATION, BUT STATEMENTS THAT SAY SOMETHING  
11      TO THAT EFFECT, THAT THE LEA'S CAN HAVE OTHER  
12      DUTIES. THEY CAN ENFORCE OTHER LAWS.

13                      AND THAT IS WHAT CAUSES ME SOME  
14      CONCERN IS KEEPING THEM ON THE STRAIGHT AND NARROW  
15      VERSUS THEM GETTING OVER INTO THE ENFORCEMENT OF  
16      LAND USE. AND THAT GOES BACK ALSO TO THE QUESTION  
17      OF WHERE THIS IS LOCATED. AND I DON'T KNOW WHERE  
18      YOU PUT IT, BUT IN THE TABLE OF ORGANIZATION, IT'S  
19      PLUGGED INTO DEVELOPMENTAL SERVICES, AND LAND USE  
20      OPERATIONS CONTROL ARE LOCATED IN DEVELOPMENTAL  
21      SERVICES. AND I DON'T QUITE UNDERSTAND. YOU KNOW,  
22      THEY HAVE TO BE SOMEWHERE, BUT THEN THERE'S THE  
23      DOTTED LINE THAT HAS THEM REPORTING DIRECTLY BACK  
24      TO THE CITY MANAGER. SO I'M HAVING SOME TROUBLE  
25      COMPREHENDING THAT WHOLE SITUATION.

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1                   MR. CAREY: LET ME TRY TO ANSWER THE FIRST  
2           ISSUE THAT YOU RAISED. IF I MISSPOKE OR IF I SAID  
3           SOMETHING THAT LED YOU TO BELIEVE THAT WE'RE NOT --  
4           THAT WE WANT SOME SORT OF CONTROL BECAUSE THE  
5           COUNTY HAD SOLD THEIR SYSTEM, THAT MADE THEIR LEA  
6           NOT AS APPRECIATED OR NOT AS WELL THOUGHT OF, I  
7           DIDN'T MEAN TO SEND THAT INTENT AT ALL.

8                   I MEAN, LIKE I HAD TRIED TO SAY, WE  
9           TRIED TO CONTINUE THIS TO WORK WITH THEM AND  
10          CONTRACT WITH THAT LEA, BUT THEY CHOSE NOT TO WORK  
11          WITH US, AND FOR WHATEVER REASONS. I DON'T EVEN  
12          KNOW THE REASONS BEHIND IT. THEY'RE JUST  
13          CIRCUMSTANCES BEYOND THEIR CONTROL, AND DANIEL  
14          AVERA MADE IT PERFECTLY CLEAR THAT HE WASN'T AT  
15          LIBERTY TO CONTINUE TO CONTRACT WITH US.

16                   SO WE HAD TO CHOOSE OTHER OPTIONS.  
17          SO IF I SOMEHOW LED YOU TO A DIFFERENT IMPRESSION,  
18          THAT CERTAINLY IS NOT THE INTENT. BUT I WAS  
19          TALKING ABOUT MORE WHAT THE OVERALL REGIONAL SOLID  
20          WASTE PICTURE WHERE THE COUNTY HAS ALWAYS BEEN,  
21          AND  
22          YOU KNOW THROUGH SANDAG AND ORGANIZATIONS LIKE  
23          THAT  
24          THAT THE COUNTY HAS ALWAYS BEEN THE PERSON LOOKING

23       FOR WHERE ARE WE GOING TO PLACE THE NEXT LANDFILL.  
24       THEY'VE ALWAYS TAKEN THE LEADERSHIP ROLE ON THAT,  
25       AND WITHOUT THE OPERATIONS SIDE ON THAT NOW.   AND

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1 I'LL BE VERY BLUNT. THE CHIEF ADMINISTRATIVE  
2 OFFICER OF THE COUNTY STATED TO CITY DIRECTOR THAT  
3 WAS THE CITY INTERESTED IN BEING THE LEA FOR THE  
4 WHOLE COUNTY. THAT GIVES YOU THE INTENT OF WHERE  
5 THE COUNTY MAY BE COMING FROM.

6 IF YOU TALK ABOUT A CITY  
7 COUNCILMEMBER MISSPEAKING, HERE'S THE CHIEF  
8 ADMINISTRATIVE OFFICER SAYING, "DOES THE CITY WANT  
9 TO BE THE LEA FOR THE WHOLE COUNTY?" WHERE IS THAT  
10 COMING FROM? THAT LEADS ME IN MY MIND TO THINK  
11 THAT THERE'S SOME OTHER INTENT. MAYBE THEY'RE NOT  
12 JUST GETTING RID OF THEIR OPERATIONS SIDE OF THIS  
13 THING.

14 SO THAT PUT ASIDE, AS FAR AS THE  
15 SEPARATION ISSUE, THE FORMER GOVERNMENT THAT WE HAD  
16 IN THE CITY IS OBVIOUSLY A CITY MANAGER TO THE  
17 COUNCIL. AND INITIALLY WHEN WE DID THIS, IN  
18 LOOKING AT IT IN JULY, WE SAID, "WELL, IT MAKES  
19 SENSE TO PUT THIS UNDER THE DEVELOPMENT SERVICES  
20 DEPARTMENT THAT'S SEPARATE AND APART. IT'S  
BURIED.

21 IT'S CERTAINLY AWAY FROM, BUT EVERYBODY, ALL  
THOSE

22 DEPARTMENTS, WHETHER YOU'RE ENVIRONMENTAL  
SERVICES

23 OR PUBLIC WORKS, YOU ARE ALL GOING UP TO THE  
CITY

24 MANAGER AT SOME POINT. SO THE FURTHER DOWN  
YOU

25 BURY THEM. IT'S JUST LIKE THE CHIEF  
ADMINISTRATIVE



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1       OFFICER IN THE COUNTY.  EVENTUALLY KEN CALVERT  
2       GETS UP THAT HIGH.  MIGHT HAVE TO GO THROUGH A  
3       BUNCH OF LAYERS TO GET THERE, BUT THEY END UP BEING  
4       DICTATED BY THE CHIEF ADMINISTRATIVE OFFICER.

5                       SO WHAT WE LOOKED AT WAS DEVELOPMENT  
6       OF SERVICES.  THEN WE SAID, "WELL, WE HAVE THOSE  
7       ISSUES.  THIS IS THE SAME GROUP THAT DOES CEQA.  
8       THIS IS THE SAME GROUP THAT MAKES LAND USE  
9       DECISIONS.  THIS IS THE SAME GROUP THAT PERMITS AND  
10      DOES CONDITIONAL USE PERMITS.  MAYBE WE NEED TO  
11      EVEN HAVE FURTHER SEPARATION.  WE CAN'T HAVE THE  
12      SAME DEPARTMENT HEAD WEARING THE HAT SAYING, "WELL,  
13      THE CEQA PEOPLE WIN ON THIS ONE.  YOU LEA GUYS,  
14      THIS IS GOING TO BE PART OF TERMS OR CONDITION YOU  
15      PUT IN A PERMIT," WHICH WE SAID, "WELL, MAYBE LET'S  
16      EVEN GET IT FURTHER SEPARATED.  WE'LL GO DIRECTLY.  
17      THAT AUTHORITY WILL GO DIRECTLY TO THE CITY MANAGER  
18      AND HAVE EQUAL STATUS OF THAT DEPARTMENT HEAD  
19      THAT'S SITTING IN ENVIRONMENTAL OR DEVELOPMENTAL  
20      SERVICES."

21                      SO WHAT WE'RE DOING AND WHAT WILL  
22      COME BACK TO THIS BOARD AT SOME POINT IN THE FUTURE  
23      IS PROBABLY A RESOLUTION FROM COUNCIL SAYING THAT

24        THIS WILL BE LOCATED AND WORK DIRECTLY FOR THE CITY  
25        MANAGER, SO THERE WILL BE EVEN MORE AUTONOMY.    I

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1 HOPE THAT ANSWERS SOME OF YOUR CONCERNS.

2 CHAIRMAN FRAZEE: THE -- YOU MIGHT TOUCH  
3 ON THE ISSUE OF YOUR STATEMENT THAT THE LEA'S WOULD  
4 BE ENFORCING CONDITIONAL USE PERMITS.

5 MR. CAREY: I GUESS WHAT I'M TRYING TO SAY  
6 AND WHAT I'VE SEEN OTHER LEA'S IN THEIR EPP'S SAY  
7 IS THAT IF THOSE TERMS AND CONDITIONS BECOME PART  
8 OF THE PERMIT, THEN THEY HAVE AUTHORIZATION TO  
9 ENFORCE, WHETHER IT'S A TRAFFIC, YOU KNOW, FLOW OR  
10 SOMETHING AS LONG AS IT RELATES BACK TO CERTAINLY  
11 THE MINIMUM STANDARDS. BUT THAT IS ALL I MEANT BY  
12 THAT.

13 I MEAN MANY TIMES THE CONDITIONAL USE  
14 PERMITS, THE CEQA REQUIREMENTS, THEY'RE ALL  
15 INCORPORATED INTO THOSE PERMITS. AND AS SUCH THEN  
16 THE LEA IS WEARING WHATEVER THAT ENFORCEMENT HAT IS  
17 IS MY UNDERSTANDING.

18 CHAIRMAN FRAZEE: I THINK, CORRECT ME IF  
19 I'M WRONG, IN ONE OF THE MULTIPLE SAN MARCOS CASES,  
20 THE COURT RULED THAT THE LEA DID NOT HAVE THE  
21 AUTHORITY TO ENFORCE LAND USE ISSUES EVEN THOUGH  
22 THEY WERE INCORPORATED IN THE PERMIT.

23 MR. CAREY: THEN I STAND CORRECTED. IF  
24 THAT WAS A LEGAL FINDING THAT THEY FOUND, I  
DON'T

25 KNOW IF IT HAD ANY -- IF IT MADE A DIFFERENCE

THAT

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1 THE CITY OF SAN MARCOS WAS TRYING TO DO THE  
2 ENFORCEMENT THEMSELVES OUTSIDE THE COUNTY. THIS  
3 PARTICULAR CASE WILL BE THE SAME JURISDICTION AS  
4 THE CITY ITSELF. I DON'T KNOW IF THAT MAKES ANY  
5 DIFFERENCE OR NOT. I'M NOT FAMILIAR WITH THAT  
6 RULING.

7 WE'RE NOT GOING TO DO SOMETHING  
8 THAT'S OBVIOUSLY ILLEGAL AND THAT WE DON'T HAVE THE  
9 AUTHORITY TO DO. AND I'M SURE THE OPERATOR,  
10 WHETHER PUBLIC OR PRIVATE, WILL CHALLENGE US  
11 IMMEDIATELY ON THAT IF WE'RE TRYING TO DO SOMETHING  
12 THAT'S OUTSIDE THE SCOPE OF OUR AUTHORITY. AND I  
13 WOULD LOOK TO THE DIRECTION OF YOUR BOARD STAFF TO  
14 HELP ME ON THAT. I PLAN PERSONALLY, ALONG WITH THE  
15 CIVIL ENGINEER, TO BE ATTENDING THE MOST RECENT  
16 TRAINING THAT'S GOING TO BE PROVIDED TO US AND  
17 THROUGH THE BOARD IN ASILIMAR NEXT WEEK. SO I'M  
18 HOPING TO HIT THE GROUND RUNNING AND BE ABLE TO  
19 PROTECT THE PUBLIC HEALTH AND SAFETY AS YOU WANT.

20 CHAIRMAN FRAZEE: YOU HAVE ANYTHING?

21 MEMBER RELIS: I'LL HAVE SOME COMMENTS.

22 CHAIRMAN FRAZEE: WE HAVE MR. HEAP AND  
MS.

23 WOOD FROM THE CITY OF SAN DIEGO THAT MAY WISH TO  
24 ADDRESS US TOO.

25 MR. CAREY: I DIDN'T GET AN OPPORTUNITY  
86

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1       WHEN I FIRST WALKED UP HERE. I JUST WANTED TO  
2       PUBLICLY THANK YOUR BOARD STAFF FOR THE MANNER --  
3       THE WAY THEY HANDLED THIS, THIS VERY SHORT NOTICE,  
4       EVERYONE FROM MISS RICE TO MR. UNSELL TO MARY COYLE  
5       AND CHRISTINE MCCrackEN HAVE BEEN VERY HELPFUL IN  
6       EXPEDITING THIS PROCESS FOR US AND WE APPRECIATE  
7       THAT. AND WE CERTAINLY CONCUR WITH THE STAFF  
8       RECOMMENDATION. THANK YOU.

9               MR. HEAP: THANK YOU, MR. CHAIRMAN. MY  
10       NAME IS ELMER HEAP. I'M IN THE CITY ATTORNEY'S  
11       OFFICE IN THE CITY OF SAN DIEGO. I JUST WANTED TO  
12       MAKE TWO POINTS IF I COULD, AS I HEARD SOME OF THE  
13       QUESTIONS THAT WERE ASKED THIS MORNING.

14               THE FIRST IS AS IT RELATES TO OUR  
15       OFFICE AND WHAT WE PLAN TO DO IN PROVIDING LEGAL  
16       ADVICE TO THE LEA. WE MET LAST MONDAY, OCTOBER  
17       27TH, WITH TOM MONTGOMERY FROM COUNTY COUNSEL,  
18       WHO,  
19       AS YOU KNOW, PROVIDES LEGAL ADVICE TO THE LEA AT  
20       THE PRESENT TIME. AND ALONG WITH ME WAS THE  
21       ASSISTANT CITY ATTORNEY AND TWO ATTORNEYS IN OUR  
22       OFFICE.

23               AND OUR OFFICE AT THE PRESENT TIME  
IS

24 DETERMINING EXACTLY WHERE THE INDIVIDUAL WHO WILL  
25 PROVIDE THESE LEGAL ADVICE TO THE LEA, WHERE THAT  
87



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1 INDIVIDUAL WILL BE LOCATED IN THE OFFICE. AND  
2 CLEARLY IT WON'T BE ME. I'M PRESENTLY ONE OF THE  
3 LEGAL -- WELL, I'M THE LEGAL ADVISOR TO THE  
4 ENVIRONMENTAL SERVICES DEPARTMENT. AND WE KNOW  
5 THAT IT CAN'T BE ME. SO OUR OFFICE IS PREPARED  
6 RIGHT NOW TO DETERMINE WHO WOULD BEST HANDLE  
7 PROVIDING LEGAL ADVICE TO THE LEA. NOT ONLY IS IT  
8 NOT GOING TO ME, IT'S NOT EVEN GOING TO BE ANYBODY  
9 WITHIN THE DIVISION THAT I WORK IN WITHIN THE  
10 OFFICE.

11 AS MANY OF YOU KNOW ALREADY, THE CITY  
12 ATTORNEY WITHIN THE CITY OF SAN DIEGO IS AN ELECTED  
13 OFFICIAL AND IS INDEPENDENT FROM THE CITY COUNCIL  
14 AND THE CITY MANAGER'S OFFICE.

15 THE SECOND POINT, I HOPE, SHEDS MAYBE  
16 SOME LIGHT. I'M NOT HERE TO TRY TO JUSTIFY SOME OF  
17 THE COMMENTS MADE BY THE CITY COUNCIL AND BY THE  
18 MAYOR AND BY THE CITY MANAGER. ONE THING NEEDS TO  
19 BE NOTED, AND I KNOW BASED UPON YOUR QUESTIONS,  
20 THAT YOU'VE CAREFULLY REVIEWED THE RECORD. NOT  
21 ONLY WAS THE ISSUE OF THE LEA IN FRONT OF THE CITY  
22 COUNCIL, IN FRONT OF THE NRC COMMITTEE THAT WAS  
23 REFERRED TO, BUT ALSO THERE WAS AN ISSUE IN FRONT

24        OF THE CITY COUNCIL THAT RELATED TO AN ORDINANCE ,  
25        SOLID WASTE FACILITY ORDINANCE, THAT WE ASKED THE  
                 88

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1 COUNCIL PASS THAT WOULD GIVE THE CITY COUNCIL SOME  
2 AUTHORITY AS IT RELATES TO REGULATING THOSE  
3 OPERATING SOLID WASTE FACILITIES WITHIN THE CITY OF  
4 SAN DIEGO, THAT PRIOR TO THEM OPERATING THE  
5 FACILITY WITHIN THE CITY OF SAN DIEGO, THEY WOULD  
6 NEED TO OBTAIN A FRANCHISE OR SOME TYPE OF AN  
7 AGREEMENT WITH THE CITY OF SAN DIEGO.

8 SO THOSE ISSUES WERE BEING TALKED  
9 ABOUT AT THE SAME TIME ALONG WITH THIS LEA ISSUE.  
10 IN ADDITION, THERE WERE ISSUES TALKED ABOUT AS IT  
11 RELATES TO THE CUP AND THE COUNTY'S COMPLIANCE WITH  
12 THE CUP AND TO CAREFULLY REVIEW THE CUP TO  
13 DETERMINE WHETHER OR NOT THE COUNTY WAS COMPLYING  
14 WITH THE CUP AS IT RELATES TO OPERATING SYCAMORE  
15 CANYON LANDFILL.

16 SO SOME OF THE COMMENTS THAT WERE  
17 MADE MAY HAVE BEEN IN RELIANCE UPON SOME OF THE  
18 OTHER ISSUES THAT WERE TALKED ABOUT AT THE  
19 COMMITTEE MEETING AND AT THE CITY COUNCIL, AND  
20 PERHAPS THEY WERE THINKING ABOUT SOME OF THE ISSUES  
21 THAT WERE RAISED AS IT RELATES TO THE SOLID WASTE  
22 FACILITY ORDINANCE AND SOME OF THE CONTROLS THAT  
23 THE CITY WOULD HAVE IN EXERCISING ITS POLICE POWERS  
24 IN THAT MANNER. SO I JUST WANTED TO MAKE THOSE TWO

25 COMMENTS AT THIS TIME.  
89

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1                   MEMBER JONES:    THAT WAS WHAT GOT MY  
2       ATTENTION WAS THE FACT THAT I DIDN'T CARE ABOUT THE  
3       FRANCHISE AGREEMENT.   I THINK THAT'S REASONABLE.   I  
4       THINK THAT THE CUP, THAT'S WITHIN THE CITY'S  
5       JURISDICTION.   BUT WHEN YOU PUT ALL THREE OF THEM  
6       TOGETHER AS POLICE ACTIONS TO CONTROL YOUR DESTINY,  
7       THAT GETS VERY WORRISOME TO ME.

8                   I MEAN THAT'S ACTUALLY WHAT CREATED  
9       THE BIGGEST PART OF THE PROBLEM FOR ME WAS THAT,  
10      OKAY, GOT AN ORDINANCE WHICH IS GOING TO BE ABLE TO  
11      SET DOWN STANDARDS FOR -- CITY STANDARDS ON HOW  
12      THESE PEOPLE ARE GOING TO OPERATE.   YOU ARE GOING  
13      TO DEAL WITH CUP'S, THAT'S GOING TO DEAL WITH THE  
14      LAND ISSUES, THAT'S GOING TO DEAL WITH THE TRAFFIC,  
15      BUT YOU INCLUDE LEA ACTIVITY.   YOU KNOW WHAT I'M  
16      SAYING?   THAT'S WHAT REALLY TRIGGERED WHY ARE WE  
17      DOING THIS?   YOU KNOW, WHY ARE WE SO INTENT THAT AN  
18      LEA IS GOING TO BE ABLE TO CONTROL OUR DESTINY?  
19      THAT SCARES ME A LOT.

20                  I MEAN, YOU KNOW, I THINK THAT THIS  
21      IS AN INEVITABLE, YOU KNOW, RIGHT WITHIN THE CITY  
22      THAT AT SOME POINT THEY GET THERE.   I THINK WHERE  
23      MY CONCERN IS THAT THERE'S BEEN SUCH A RUSH HERE TO  
24      REACT TO THE SALE OF THE SAN DIEGO COUNTY SYSTEM,

25

THAT SOMETIMES IN A, YOU KNOW, IN A REAL EFFORT TO

90

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1        TRY TO PROTECT THE CITIZENS, MAYBE PEOPLE GO A  
2        LITTLE BIT WHACKED AND TRY TO INCLUDE A WHOLE LOT  
3        MORE THAT DOESN'T NEED TO BE THERE.

4                        I WORRY -- I THINK THE STAFF THAT MR.  
5        CAREY HAS DONE -- I MEAN I'VE CHECKED AROUND.  
6        THESE ARE ALL GOOD LEA'S AND PEOPLE HAVE A LOT OF  
7        RESPECT FOR, BUT I HAVE A REAL PROBLEM IF SOMEBODY  
8        PUTS A PERMIT FORWARD AND IT TAKES A YEAR OR SIX  
9        MONTHS OR EIGHT MONTHS BECAUSE THE PERSON WORKING  
10       ON THE PERMIT CAN ONLY BE THERE THREE HOURS A  
WEEK.

11       I DON'T THINK THAT'S A SERVICE THAT THE CITY  
12       WANTS -- YOU KNOW, I DON'T THINK THAT'S THE LEVEL  
13       OF SERVICE THAT THE CITY WANTS TO BE ABLE TO  
14       PROVIDE, YOU KNOW. AND HOW DO WE ENSURE THAT  
THAT

15       DOESN'T HAPPEN, YOU KNOW, THAT THOSE ARE THE  
16       TYPES -- YOU KNOW, OR THAT SOMEBODY HAS A HEARING  
17       PANEL, THINGS LIKE THAT.

18                        IT WOULD SEEM TO ME IT WOULD HAVE  
19       BEEN, YOU KNOW, WOULD HAVE BEEN A LITTLE MORE --  
20       WOULD HAVE BEEN NICE IF THERE WAS MORE TIME,  
THAT,

21       YOU KNOW, SOMETHING COULD HAVE BEEN REALLY LAID

OUT

22        THAT MADE PEOPLE UNDERSTAND.    I GOT VERY NERVOUS

23        WHEN I HEARD THAT COMMITTEE MEETING AND PEOPLE

24        THANKING THE SOLID WASTE DEPARTMENT FOR MAKING

THEM

25        AWARE OF WHAT THE POTENTIAL DISASTERS COULD BE

AND



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1       THIS AND THAT. I JUST DON'T SEE THAT AS AN LEA'S  
2       CHARGE. UNFORTUNATELY, WHEN THE LEA'S THINK THAT  
3       THAT IS THEIR CHARGE, THEN WE HAVE REAL PROBLEMS.

4               MR. HEAP: I CAN REPRESENT TO YOU, MR.  
5       JONES, AND TO EACH OF YOU HERE THAT CLEARLY THE  
6       CITY OF SAN DIEGO WILL ACT AS ITS LEA AND PERFORM  
7       THAT FUNCTION, PERIOD. WILL NOT GO BEYOND THAT  
8       SCOPE. OBVIOUSLY WE HAVE OTHER MECHANISMS SET UP  
9       TO HELP US IN OTHER AREAS FOR WHICH WE'RE  
CONCERNED

10       ABOUT TO ENSURE THE PUBLIC SAFETY OF THE CITIZENS  
11       OF SAN DIEGO. WE WILL FUNCTION AS THE LEA AND  
ONLY  
12       AS AN LEA AND MAKE SURE THAT WE DO THAT. AND OUR  
13       OFFICE, THE CITY ATTORNEY'S OFFICE, WILL PROVIDE  
14       THE BEST POSSIBLE LEGAL ADVICE IN ASSISTING THE  
LEA  
15       IN PERFORMING ITS FUNCTION.

16               CHAIRMAN FRAZEE: THANK YOU. LISA WOOD.

17               MS. WOOD: GOOD MORNING, COMMITTEE  
18       MEMBERS. MY NAME IS LISA WOOD. I'M FROM THE  
CITY  
19       OF SAN DIEGO. I ALSO AM THE CHAIRPERSON OF THE  
20       REGIONAL TECHNICAL ADVISORY COMMITTEE TO SANDAG  
21       SERVING AS THEIR LOCAL TASK FORCE FOR AB 939. SO

I

22        HAVE A LITTLE BIT OF A REGIONAL PERSPECTIVE ON  
SOME

23        OF THESE ISSUES.

24                                I JUST WANTED TO MAKE A FEW  
COMMENTS,

25        AND I'LL KEEP THEM VERY BRIEF AND I'LL BE HAPPY  
TO

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1 ANSWER ANY QUESTIONS.

2 WITH REGARD TO SOME OF THE  
3 DISCUSSIONS, THE TECHNICAL ADVISORY COMMITTEE HAS  
4 BEEN VERY CONCERNED IN THE SAN DIEGO REGION, FOR  
5 EXAMPLE, ABOUT HOUSEHOLD HAZARDOUS WASTE ISSUES.  
6 JUST TALKING WITH YOUR LOCAL ASSISTANCE STAFF ABOUT  
7 SOME PROBLEMS THAT WE'RE HAVING IN THE REGION.

8 THE COUNTY HAD PREVIOUSLY FUNDED A  
9 LOT OF THE HOUSEHOLD HAZARDOUS WASTE PROGRAMS FOR  
10 THE OTHER CITIES THROUGH THE TIPPING FEES AT THE  
11 LANDFILL AND HAS RECENTLY NOTIFIED THE OTHER CITIES  
12 THAT THEY WILL NO LONGER BE PROVIDING THAT  
13 FUNDING. THEY DID FINALLY, AS A LAST-MINUTE  
14 EFFORT, AGREE TO FUND THEM THROUGH JULY 1ST, WHICH  
15 AT LEAST GIVES SOME OF THE SMALLER CITIES SOME  
16 BREATHING ROOM TO FIGURE OUT HOW THEY'RE GOING TO  
17 FUND THESE PROGRAMS.

18 ALSO, THE WOMAN WHO WAS RESPONSIBLE  
19 FOR PROVIDING THESE PROGRAMS WITH THE COUNTY, PAM  
20 JACKSON, HAS GONE TO ANOTHER PROGRAM. SO MY  
21 UNDERSTANDING IS MR. CALVERT, WHO ALSO RUNS THE  
22 LEA, WILL BE TAKING OVER THE HOUSEHOLD HAZARDOUS  
23 WASTE PROGRAM ON BEHALF OF THE COUNTY. AND HE'S  
24 TRYING TO WORK THROUGH MY COMMITTEE, THE TECHNICAL  
25 ADVISORY COMMITTEE, TO ASSIST THE OTHER CITIES IN



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1 FIGURING OUT HOW THEY'RE GOING TO PROVIDE FUNDING  
2 AND HOW THEY'RE GOING TO PROVIDE A REGIONAL  
3 HOUSEHOLD HAZARDOUS WASTE PROGRAM.

4 SO THIS IS AN EXAMPLE OF SOME OF THE  
5 ISSUES THAT THE COUNTY AND THE CITIES WITHIN THE  
6 COUNTY ARE DEALING WITH AS A RESULT OF THE COUNTY  
7 GETTING OUT OF THE SOLID WASTE BUSINESS? IT HAS  
8 HAD AN IMPACT TO THE REGION. AND THROUGH THE  
9 TECHNICAL ADVISORY COMMITTEE WE'RE TRYING TO DEAL  
10 WITH THE AB 939 ISSUES THAT RESULT FROM THAT. I  
11 DID WANT TO MENTION THAT.

12 I'VE WORKED QUITE A BIT WITH MR.  
13 CALVERT AND HAVE INVITED HIM TO COME AND SPEAK TO  
14 THE TECHNICAL ADVISORY COMMITTEE ON SOME OF THE  
15 PROJECTS THAT HE'S WORKING ON. FOR EXAMPLE, HE IS  
16 WORKING WITH HIS DEPARTMENT OF LAND USE ON SOME  
17 COMPOSTING REGULATIONS BECAUSE THE COMPOSTING  
18 FACILITIES REALLY NEED MORE THAN JUST LAND USE  
19 CONTROL. THE JURISDICTIONS HAVE LAND USE  
CONTROL,

20 BUT IN A LOT OF CIRCUMSTANCES YOU ACTUALLY NEED  
21 SOMEBODY TO GO OUT THERE AND INSPECT THOSE  
22 FACILITIES AND MAKE SURE THAT THEY AREN'T POSING

A

23       THREAT TO PUBLIC HEALTH AND SAFETY.

24                               AND SO HE IS PROPOSING AN

ORDINANCE

25       WHICH WOULD APPLY ONLY IN THE UNINCORPORATED

AREA,

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1       AND HE'S WORKING WITH HIS DPOU ON THE PERMITTING  
2       SIDE TO HELP PROVIDE THAT KIND OF REGULATION TO  
3       ENSURE PUBLIC HEALTH AND SAFETY.

4                       WHAT I'M DOING IN THE TECHNICAL  
5       ADVISORY COMMITTEE IS I'M ALLOWING HIM A PLATFORM  
6       TO EXPLAIN WHAT HE'S DOING FOR THE UNINCORPORATED  
7       AREA SO THAT THE OTHER CITIES WITHIN THE REGION CAN  
8       DECIDE IF THEY WANT TO PASS SIMILAR ORDINANCES THAT  
9       WOULD HELP PROVIDE THAT KIND OF CONTROL.

10                      IN TERMS OF SOME OF THE QUESTIONS  
11       THAT HAVE COME UP TODAY ABOUT PROVIDING CEQA, I  
12       USED TO BE A CEQA ANALYST FOR THE CITY OF SAN  
13       DIEGO, AND I THINK THAT WE'RE SET UP VERY WELL TO  
14       PROVIDE THE CEQA PORTION OF THE VARIOUS FUNCTIONS  
15       THAT WE PROVIDE WITHIN THE CITY.

16                      IN TERMS OF MR. RELIS AND, I THINK,  
17       MR. JONES, AS WELL, YOU WERE CONCERNED ABOUT  
18       GETTING STAFF HIRED RIGHT AWAY.  AND I'M THE  
19       WORKER

20       BEE THAT'S DOING AS MUCH AS I CAN TO WORK ON THAT.  
21       I'M TALKING WITH PEOPLE ABOUT HOW TO GO ABOUT THE  
22       RECRUITMENT PROCESS AND GETTING AS MUCH INPUT I  
      CAN.  MY GOAL, AS THE WORKER BEE KIND OF PERSON,

IS

23 TO ENSURE THAT I WORK WITH OUR PERSONNEL  
DEPARTMENT

24 AND GET AS MANY HIGHLY QUALIFIED CANDIDATES AS

25 POSSIBLE. I'M DOING THAT AS QUICKLY AS POSSIBLE.



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1 I HAVE A LOT OF PRESSURE ON ME TO MAKE ALL THESE  
2 THINGS HAPPEN VERY QUICKLY, AND I'M DOING THE BEST  
3 THAT I CAN. SO THAT'S KIND OF AN OVERVIEW FROM MY  
4 PERSPECTIVE. BE HAPPY TO ANSWER ANY QUESTIONS.

5 CHAIRMAN FRAZEE: QUESTIONS? IF NOT,  
6 THANK YOU.

7 MR. UNSELL: IF I COULD ASK ONE QUESTION,  
8 THAT I NEEDED A LITTLE CLARIFICATION IN TERMS OF  
9 MS. WOOD'S INVOLVEMENT AND PARTICIPATION. AND NOT  
10 KNOWING THE ORGANIZATIONAL STRUCTURE EXACTLY,  
11 WHETHER YOU ARE WITHIN THE DEVELOPMENTAL AGENCY  
12 THAT THE LEA IS WITH OR PART OF THE OPERATIONAL  
13 UNIT OR HOW DOES THAT ALIGNMENT?

14 MS. WOOD: I AM THE ONE PERSON HERE WHO IS  
15 FROM THE OPERATIONAL DEPARTMENT.

16 MEMBER JONES: FROM ENVIRONMENTAL SERVICES  
17 DEPARTMENT?

18 MS. WOOD: FROM THE ENVIRONMENTAL SERVICES  
19 DEPARTMENT.

20 MEMBER JONES: AND YOU ARE HIRING THE LEA  
21 STAFF?

22 MS. WOOD: NO, I AM NOT HIRING THE LEA  
23 STAFF.

24 MEMBER JONES: DIDN'T YOU JUST SAY YOU ARE  
25 THE WORKER BEE.



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1                   MS. WOOD: I'M THE WORKER BEE, HOWEVER, I  
2                   WILL NOT BE ON THE INTERVIEW PANEL. I'M WORKING  
3                   WITH PERSONNEL TO GO THROUGH OUR PERSONNEL  
4                   PROCESSES. WE HAVE -- AS YOU KNOW, THE GOVERNMENTS  
5                   ALWAYS HAVE THEIR PROCESSES. SO MY FUNCTION IS  
6                   STRICTLY TO ENSURE THAT OUR CITY PROCESSES, REO'S,  
7                   EP, ALL THAT, ARE COMPLIED WITH AS WE GO THROUGH  
8                   THE HIRING.

9                   MEMBER JONES: ARE YOU THE HUMAN RESOURCES  
10                  PERSON FOR THE CITY OF SAN DIEGO?

11                  MS. WOOD: EXCUSE ME.

12                  MEMBER JONES: HUMAN RESOURCES, HIRING,  
13                  FIRING.

14                  MS. WOOD: NO, I'M NOT.

15                  MEMBER JONES: BUT YOU ARE A MEMBER OF THE  
16                  ENVIRONMENTAL SERVICES THAT IS SETTING UP THE  
17                  PROCESS TO HIRE THE LEA.

18                  MS. WOOD: I'M DOING WORK, YES.

19                  MEMBER RELIS: MR. CHAIR, I'M GOING TO  
20                  MAKE A MOTION AND LET ME JUST PREFACE IT.

21                  MR. CHANDLER: MR. RELIS, LET ME JUST MAKE  
22                  SOME FINAL CONCLUDING REMARKS FROM STAFF'S  
23                  PERSPECTIVE BECAUSE I WANT TO SAY A FEW REMARKS  
24                  THAT, I THINK, GET TO THE VERY QUESTION YOU RAISE,  
25                  WHICH IS WHAT'S REALLY CHANGING HERE, AND THEN, OF

1 COURSE, ENTERTAIN THE MOTION.

2 WHAT'S REALLY DIFFERENT? AND I THINK  
3 WE HAVE TO MAKE SURE WE DON'T FORGET THE FACT THAT  
4 IT WASN'T TOO LONG AGO THAT THE COUNTY WAS RUNNING  
5 THESE FACILITIES WITH THE COUNTY AS THE LEA. AND,  
6 OF COURSE, REALLY YOU ARE RIGHT, WEST COVINA  
7 NOTWITHSTANDING, THERE ISN'T A WHOLE LOT CHANGING  
8 HERE. AND I THINK WHEN WE LOOKED AT THE  
9 APPLICATION, WE FELT WE SAW A COMPLETE APPLICATION  
10 WITH THE QUALIFICATIONS.

11 CLEARLY I THINK THE QUESTION BEFORE  
12 THE BOARD IS, HOWEVER, DOES THE CITY GET IT, AS WE  
13 SOMETIMES SAY? DOES THE CITY TRULY UNDERSTAND THE  
14 INDEPENDENT ROLE OF THE LEA? AND I WOULD HAVE TO  
15 ADMIT THAT SOME OF THE COMMENTARY WE'VE HEARD FROM  
16 CITY OFFICIALS IS THAT MAYBE THEY VIEW THE ROLE OF  
17 THE LEA OR THE OFFICE OF THE LEA AS AN OFFICE THAT  
18 CAN ACCOMPLISH SOME THINGS THAT WE HISTORICALLY  
19 HAVE SEEN GO OUTSIDE THE TRUE RESPONSIBILITY OF OUR  
20 CERTIFIED LEA.

21 STAFF'S RECOMMENDATION WAS BASED ON  
22 THE APPLICATION WHERE WE FELT THE I'S WERE DOTTED  
23 AND THE T'S WERE CROSSED, AND OBVIOUSLY WE ARE  
24 GOING TO HAVE TO RECONCILE SOME OF THE OTHER  
25 CONSIDERATIONS THAT YOU ARE ALL GRAPPLING WITH NOW

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1 AS TO WHETHER OR NOT THE CITY TRULY UNDERSTANDS  
2 THAT INDEPENDENT ROLE THAT WE WANT THE LEA'S  
OFFICE

3 TO PLAY. ON THAT BASIS, YOU KNOW, IT WAS WHERE  
4 STAFF IS COMING FROM WITH THEIR RECOMMENDATION.

5 MEMBER RELIS: OKAY. THANK YOU, MR.  
6 CHANDLER. WELL, WE'VE COME TO EXPECT IN SAN DIEGO  
7 COUNTY AND CITY THINGS ARE ALWAYS DYNAMIC, AND  
THIS

8 JUST UNDERSCORES THAT. BUT HAVING SAID THAT, I  
9 FEEL THAT THE QUESTIONS I ASKED ABOUT  
MOONLIGHTING,

10 ABOUT IS THERE COVERAGE, I THINK I FEEL SATISFIED  
11 THAT IT'S BEEN ANSWERED.

12 STAFF HAVE REVIEWED AND RECOMMENDED  
13 AN INTERIM ARRANGEMENT. I THINK THE CONDITIONS,  
AS

14 MR. CHANDLER POINTED OUT, IF YOU WANTED TO DIAGRAM  
15 THE REST OF THE STATE, YOU MIGHT FIND EQUALLY  
16 CHALLENGING DIAGRAMS AND CONNECTIONS. AND UNLESS  
17 WE'RE PREPARED TO DO THAT, I DON'T FIND THAT  
18 THIS -- IS IT HAS ITS UNIQUE ASPECTS, BUT I DON'T  
19 FIND IT FUNDAMENTALLY AT ODDS WITH WHAT WE DO

20 ELSEWHERE.

21 PERSONNEL ARE QUALIFIED. THERE'S A  
22 BACKSTOP ROLE WHICH WE'VE HEARD IF THE QUESTION IS  
23 WHAT IF SOMEBODY ISN'T AVAILABLE, WHO'S GOING TO  
BE

24 THERE. THIS IS, AFTER ALL, A TRANSITION, AS I  
25 UNDERSTAND IT. AND THE FALLBACK IS TO YANK IT IF

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1       THERE'S A BREAKDOWN. SO I'M PREPARED TO MOVE THE  
2       STAFF RECOMMENDATION.

3               CHAIRMAN FRAZEE: I'LL SECOND THAT. ANY  
4       FURTHER DISCUSSION? WE HAVE A MOTION AND SECOND,  
5       THEN, ON THE ADOPTION OF RESOLUTION 97-508,  
6       CONSIDERATION OF A TEMPORARY CERTIFICATION AND  
7       DESIGNATION TO THE CITY OF SAN DIEGO DEVELOPMENTAL  
8       SERVICES DEPARTMENT AS THE LOCAL ENFORCEMENT  
AGENCY

9       FOR THE CITY OF SAN DIEGO. IF THE SECRETARY WILL  
10      CALL THE ROLL ON THAT, PLEASE.

11             THE SECRETARY: BOARD MEMBER RELIS.

12             MEMBER RELIS: AYE.

13             THE SECRETARY: BOARD MEMBER JONES.

14             MEMBER JONES: NO.

15             THE SECRETARY: CHAIRMAN FRAZEE.

16             CHAIRMAN FRAZEE: AYE. MOTION IS  
CARRIED

17      AND WE'LL GO ON TO THE FULL BOARD.

18             THE REPORTER: THE COURT REPORTER NEEDS  
A

19      SHORT BREAK.

20                     (A BREAK WAS THEN TAKEN.)

21             CHAIRMAN FRAZEE: MEETING WILL COME TO  
22      ORDER AGAIN, PLEASE. IT'S THE INTENTION OF THE

23 CHAIR TO TAKE UP ITEM 11 AT THIS TIME, AND THEN  
WE  
24 WILL TAKE A LUNCH BREAK FOLLOWING THE PROCESSING  
OF  
25 THIS ITEM.



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1                   ITEM 11 IS THE CONSIDERATION OF THE  
2       LEGAL AUTHORITY ISSUES AND STAFF OPTIONS RELATING  
3       TO CONSTRUCTION, DEMOLITION, AND INERT TIER  
4       REGULATIONS.   STAFF REPORT.

5                   MR. BLOCK:   MORNING, CHAIRMAN FRAZEE AND  
6       COMMITTEE MEMBERS.   I'M ELLIOT BLOCK FROM THE LEGAL  
7       OFFICE PRESENTING THIS ITEM TO YOU.

8                   THIS ITEM IS THE LATEST IN A LINE OF  
9       A SERIES OF LEGAL AUTHORITY ITEMS THAT WE HAVE  
10      BROUGHT FORWARD IN THE PAST REGARDING VARIOUS TIER  
11      REGULATIONS PACKAGES THAT WE'VE BROUGHT FORWARD,  
12      AND THOSE ARE UP ON THE BOARD, PACKAGES WE'VE DONE  
13      SO FAR.

14                  AND WE HAVE ON THE CURRENT SCHEDULE  
15      FOUR MORE THAT WE ARE SCHEDULED TO DO OVER THE  
16      COURSE OF THE NEXT YEAR OR SO.   CONSTRUCTION  
17      DEMOLITION DEBRIS AND INERTS BEING ONE OF THEM.

18                  WHAT PLACES US IN THE ARENA OF  
19      DEALING WITH THIS ISSUE IN THE FIRST PLACE IS  
20      LANGUAGE IN DEFINITION OF SOLID WASTE IN PUBLIC  
21      RESOURCES CODE WHICH LISTS AS ONE OF THE EXAMPLES  
22      SOLID WASTE DEMOLITION AND CONSTRUCTION WASTE.   FOR  
23      THAT REASON, THIS WAS -- THAT -- AND THIS IS ONE OF  
24      THE MATERIALS THAT WERE CONSIDERED NONTRADITIONAL  
25      AS WE MOVE FORWARD WITH THE TIER REQUIREMENTS AND



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1 WHERE WE WERE LOOKING TO PROVIDE SOME CLARITY  
2 AROUND THE STATE FOR HOW THESE MATERIALS WILL BE  
3 HANDLED.

4 WE HAVE A DEFINITION EXISTING IN OUR  
5 REGULATIONS FOR CONSTRUCTION AND DEMOLITION WASTES:  
6 BUILDING MATERIALS, PACKAGING AND RUBBLE RESULTING  
7 FROM CONSTRUCTION, REMODELING, REPAIR, AND  
8 DEMOLITION OPERATIONS ON PAVEMENTS, HOUSES,  
9 COMMERCIAL BUILDINGS, AND OTHER STRUCTURES.

10 LIKEWISE, WE NOW HAVE WITHIN TITLE 27  
11 REGULATIONS, SINCE WE HAVE COMBINED THESE WITH THE  
12 WATER BOARD, A DEFINITION OF INERT WASTE. IT'S  
13 PRIMARILY DERIVED FROM THE WATER BOARD'S  
14 REGULATIONS UNDER FORMER TITLE 23. INERT WASTE  
15 BEING THAT SUBSET OF SOLID WASTE THAT DOES NOT  
16 CONTAIN HAZARDOUS WASTE OR SOLUBLE POLLUTANTS IN  
17 CONCENTRATIONS IN EXCESS OF APPLICABLE WATER  
18 QUALITY OBJECTIVES AND DOES NOT CONTAIN SIGNIFICANT  
19 QUANTITIES OF DECOMPOSABLE WASTE.

20 THOSE LATTER TWO DEFINITIONS, AS I  
21 MENTIONED, ARE IN REGULATION. ONE OF THE THINGS  
22 WE'LL PROBABLY BE DOING AS WE BRING THIS PACKAGE  
23 FORWARD IS LOOKING AS TO WHETHER WE NEED TO MODIFY  
24 THOSE DEFINITIONS OR NOT. I'VE SHOWED THEM  
25 PRIMARILY FOR THE PURPOSE OF GIVING A GENERAL IDEA

1       OF THE SCOPE OF THE MATERIALS WE'RE TALKING ABOUT  
2       IN THIS REGULATION PACKAGE.

3                   IN ADDITION, LET ME JUST GO AHEAD AND  
4       JUST GIVE A QUICK MENTION TO ANOTHER ASPECT OF THIS  
5       RULEMAKING PACKAGE THAT HAS COME UP IN THE LAST FEW  
6       MONTHS. IN ADDITION TO ALREADY BEING ON OUR  
7       SCHEDULE FOR REVIEWING THESE UNDER THE TIER  
8       PACKAGE, SOME LANGUAGE WAS ADDED INTO THE BUDGET  
9       BILL REGARDING THE BOARD DRAFTING REGULATIONS FOR  
10      CONSTRUCTION AND DEMOLITION DEBRIS AND PROVIDING A  
11      REPORT, STATUS REPORT, TO THE LEGISLATURE BY APRIL  
12      1ST, 1998. AND SO WE WILL ALSO BE ACCOMPLISHING  
13      THAT AS PART OF THIS RULEMAKING PACKAGE.

14                   IN GENERAL, WHAT I PROBABLY WANT TO  
15      DO, SINCE WE'RE CLOSE TO LUNCH HOUR AND YOU'VE HAD  
16      QUITE A BIT OF DISCUSSION ALREADY TODAY, JUST VERY  
17      BRIEFLY MENTION THE LEGAL ANALYSIS AND THEN PERHAPS  
18      SEE IF THERE ARE ANY QUESTIONS REGARDING THAT. BUT  
19      BASICALLY WHAT WE'VE DONE IN THIS LEGAL AUTHORITY  
20      ITEM IS THE SAME THING THAT WE'VE DONE WITH  
21      PREVIOUS LEGAL AUTHORITY ITEMS. IT TRACKS VERY  
22      CLOSELY WITH THE ASH LEGAL AUTHORITY ITEM AND THE  
23      CONTAMINATED SOIL LEGAL AUTHORITY ITEM.

24                   BASICALLY WHAT WE'RE ASKING THE

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25 COMMITTEE AND ULTIMATELY THE BOARD TO CONFIRM IS  
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1        THAT THE BOARD HAS JURISDICTION OVER THE DISPOSAL,  
2        TRANSFER PROCESSING, OR STORAGE OF CONSTRUCTION AND  
3        DEMOLITION DEBRIS.  AND THAT THE BOARD DOES NOT  
4        HAVE JURISDICTION OVER MANUFACTURING, RECYCLING,  
5        OTHER PRODUCTIVE USES, SUCH AS ROAD BASE OR  
6        SUB-BASE, AND MINE RECLAMATION.  THIS IS CONSISTENT  
7        WITH THE LEGAL AUTHORITY ANALYSIS THAT WE'VE DONE  
8        IN THE PAST.

9                        IF THERE ARE SOME QUESTIONS, I CAN  
10       CERTAINLY DISCUSS THE PARTICULAR STATUTES THAT  
11       THOSE ARE BASED ON.  BUT THAT IS BASICALLY THE  
12       ANALYSIS, AND THAT'S THE RECOMMENDATION THAT WE'RE  
13       MAKING TO THE COMMITTEE.

14                      HAVING SAID THAT, OF COURSE, ONE OF  
15       THE INTERESTING THINGS AND WHAT THESE LEGAL  
16       AUTHORITIES ALWAYS TEND TO DO IS REALLY SERVE AS  
17       SORT OF THE FIRST ITEM IN A SERIES OF ITEMS AS WE  
18       START DOING THESE PACKAGES AND IN A SENSE SORT OF  
19       SCOPE OUT THE FRAMEWORK OF WHAT THE PACKAGE WILL BE  
20       DOING.

21                      IT'S EASY TO SAY THE BOARD DOESN'T  
22       REGULATE RECYCLING, BUT HOW YOU DEFINE THAT IN  
23       ANY  
24       PARTICULAR PACKAGE, OF COURSE, IS REALLY WHERE

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THE

24 REAL WORK OF THE PACKAGE WILL BE. SO IN ADDITION

25 TO THAT, I HAVE INCLUDED IN THE AGENDA ITEM A

LIST

1 AND SOME MINIMAL DISCUSSION OF SOME ISSUES THAT  
2 HAVE COME UP AND THAT WE'RE GOING TO HAVE TO  
3 ADDRESS AS THIS RULEMAKING PACKAGE GOES FORWARD.

4 PRIOR TO -- WELL, DURING AUGUST AND  
5 SEPTEMBER, THE PERMITTING AND ENFORCEMENT COMMITTEE  
6 DID ARRANGE FOR AND HOLD THREE WORKSHOPS AROUND THE  
7 STATE WITH INTERESTED PARTIES IN THIS AREA AND  
8 PEOPLE THAT DEAL WITH CONSTRUCTION AND DEMOLITION  
9 DEBRIS IN REDDING, DIAMOND BAR, AND SACRAMENTO.  
10 AND MARCIA KIESSE IS THE STAFF PERSON WHO'S THE  
11 PRIMARY LEAD ON THIS RULEMAKING PACKAGE. OF  
12 COURSE, BOB HOLMES IS ALSO THE COORDINATOR FOR THE  
13 TIER REGS, SET THOSE UP AND HELPED THOSE GO.

14 A LOT OF ISSUES CAME UP AT THOSE  
15 WORKSHOPS. I HAVE IDENTIFIED IN THE AGENDA ITEM  
16 AND THEY'RE LISTED HERE ON THE OVERHEAD SOME OF THE  
17 MAJOR CATEGORIES OF ISSUES THAT ARE THERE. THESE  
18 ARE NOT ISSUES WE'RE ASKING FOR THE BOARD -- THE  
19 COMMITTEE OR THE BOARD TO MAKE DECISIONS FOR US  
20 TODAY. OF COURSE, IF THE COMMITTEE OR THE BOARD  
21 DID HAVE SOME DIRECTION THAT THEY WANTED TO GIVE  
22 US, WE WOULD TAKE THAT AND GO WITH THAT. OF  
23 COURSE, ALSO, THIS IS AN OPPORTUNITY FOR ANY  
24 MEMBERS OF THE PUBLIC IF THEY WANTED TO PROVIDE



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25       SOME INPUT IF THEY HAD PARTICULAR IDEAS ABOUT SOME  
105

1 OF THESE ISSUES TO PROVIDE THAT INPUT.

2 VERY QUICKLY THOUGH, THOSE ISSUES ARE  
3 LEVEL OF APPROPRIATE REGULATION, AS WE'VE DONE IN  
4 THE PAST LEGAL AUTHORITY ITEMS. ONE OF THE THINGS  
5 WE ALWAYS TRY TO UNDERScore IS THE FACT THAT WHILE  
6 ANY PARTICULAR OPERATION MAY BE WITHIN THE BOARD'S  
7 GENERAL JURISDICTION, AND I USE THAT TERM  
8 SPECIFICALLY FOR SPECIFIC REASON, THE BOARD STILL  
9 THEN HAS ANOTHER STEP TO UNDERGO, WHICH IS DECIDE,  
10 ONCE WE'VE DECIDED IT'S WITHIN OUR GENERAL  
11 JURISDICTION, WHAT'S THE APPROPRIATE LEVEL OF  
12 REGULATION. AND THAT'S, FOR INSTANCE, WHERE WE'VE  
13 USED THE EXCLUDED TIER IN THE PAST WHERE WE  
14 DETERMINED THAT WHILE WE HAVE JURISDICTION OVER X  
15 ACTIVITY, FOR INSTANCE BACKYARD COMPOSTING, THAT IF  
16 THE BOARD DIDN'T FEEL IT WAS APPROPRIATE TO  
17 REGULATE THAT ACTIVITY.

18 WE ALSO HAVE AN EXISTING PERMIT  
19 EXEMPTION IN OUR REGULATIONS THAT'S BEEN ON THE  
20 BOOKS FOR 20, 25 YEARS NOW PROBABLY, WHICH  
21 ESTABLISHES A PROCEDURE FOR AND CERTAIN REQUIRED  
22 FINDINGS FOR OBTAINING AN EXEMPTION FROM SOLID  
23 WASTE FACILITY PERMIT REQUIREMENT. AND ONE OF THE  
24 TYPES OF FACILITIES THAT IS ELIGIBLE FOR THAT

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25 EXEMPTION IS AN UNCLASSIFIED WASTE SITE. AND  
106

1       GENERALLY THAT WOULD INCLUDE INERT DISPOSAL  
2       FACILITIES, AND THERE ARE SOMEWHERE BETWEEN HALF A  
3       DOZEN AND A DOZEN INERT SITES AROUND THE STATE THAT  
4       HAVE RECEIVED THIS EXEMPTION.

5                       IN ADDITION, SOME ISSUES CAME UP  
6       REGARDING -- I'VE LISTED IT AS DEFINING SEPARATED  
7       FOR REUSE BASICALLY, DEFINING RECYCLING WITHIN THE  
8       CONTEXT OF CONSTRUCTION AND DEMOLITION DEBRIS. AS  
9       THE COMMITTEE IS GOING TO BE HEARING THIS  
10      AFTERNOON, THERE HAS BEEN A LOT OF DISCUSSION  
11      AROUND DEFINING RECYCLING FOR WHAT, FOR LACK OF A  
12      BETTER TERM, I BELIEVE ARE MORE TRADITIONAL TYPES  
13      OF RECYCLING. AND THERE ARE SOME ISSUES THAT HAVE  
14      BEEN RAISED ABOUT WHETHER THAT DEFINITION WORKS OR  
15      NOT FOR CONSTRUCTION AND DEMOLITION DEBRIS GIVEN  
16      THE RELATIVE WEIGHT OF THE MATERIAL WE'RE DEALING  
17      WITH AND THE DIFFERENT MANNER IN WHICH IT IS  
18      HANDLED.

19                      LIKEWISE, LENGTH OF STORAGE TIME, IN  
20      PAST REGULATIONS PACKAGES, WE HAVE BEEN ABLE TO  
21      IDENTIFY A LIMIT ON STORAGE TIME OF MATERIAL, WHICH  
22      THEN GIVES RISE TO A PRESUMPTION THAT A STORAGE  
23      OPERATION IS, IN FACT, A DISPOSAL SITE WITH -- I'M  
24      GOING TO FORGET -- I ALWAYS FORGET WHICH ONE -- I

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25 BELIEVE WITH ASH, IT WAS SIX MONTHS AND WITH  
107

1       CONTAMINATED SOIL, IT WAS ONE YEAR.

2                       WHAT WE FOUND, WE HAD A LOT OF  
3       COMMENTS AT THE WORKSHOPS THAT, IN FACT, THAT TIME  
4       FRAME DOESN'T REALLY WORK FOR CONSTRUCTION AND  
5       DEMOLITION DEBRIS BECAUSE THIS MATERIAL MAY STAY ON  
6       SITE FOR A NUMBER OF YEARS BEFORE IT'S ACTUALLY  
7       PROCESSED. SO THAT'S ANOTHER ISSUE WE'RE GOING TO  
8       BE GRAPPLING WITH.

9                       AND THEN FINALLY ON THE LIST, JUST  
10      LOOKING AT THE ISSUE OF THE DEFINITION OF INERT,  
11      AS I MENTIONED, THE DEFINITION IN TITLE 27 NOW  
12      COMES FROM FORMER TITLE 23 DEFINITIONS FROM THE  
13      WATER BOARD, AND IT'S PHRASED PRIMARILY IN TERMS OF  
14      WATER QUALITY. AND SO WE HAD SOME DISCUSSION AT  
15      THE WORKSHOPS AS TO WHETHER THAT WAS SUFFICIENT OR  
16      WHETHER WE NEEDED TO FURTHER DEFINE THAT AND/OR  
17      PERHAPS EVEN PROVIDE EXAMPLES.

18                      ONE OF THE WORKSHOP PARTICIPANTS, FOR  
19      INSTANCE, HANDED US A COPY OF HIS WDR'S. AND IF  
20      YOU LOOK AT THE WDR'S FOR HIS FACILITY, IT ACTUALLY  
21      LISTS TEN MATERIAL TYPES THAT ARE ALLOWABLE INERT  
22      TYPES.

23                      AND WITH THAT, I THINK I'LL PROBABLY  
24      STOP THERE. I PROBABLY WENT LONGER THAN I MEANT TO

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25 DO. AND JUST IN CLOSING, STATE THAT WHAT WE'D LIKE  
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1 THE COMMITTEE TO DO IS CONFIRM THAT WE DO HAVE  
2 AUTHORITY OVER DISPOSAL, TRANSFER PROCESSING, AND  
3 STORAGE OF CONSTRUCTION-DEMOLITION DEBRIS AND  
4 INERTS. AND THAT WE DO NOT HAVE JURISDICTION OVER  
5 MANUFACTURING, RECYCLING, OTHER PRODUCTIVE USES,  
6 AND MINE RECLAMATION, AND FORWARD THIS TO THE  
7 BOARD. HAVE ANY QUESTIONS?

8 CHAIRMAN FRAZEE: THAT LIST OF WHAT IS  
9 INCLUDED AND WHAT IS NOT INCLUDED HAS THE ABILITY  
10 TO FLOW AS THESE REGULATIONS ARE DEVELOPED, I WOULD  
11 ASSUME, TO BE FURTHER DEFINED.

12 MR. BLOCK: RIGHT.

13 CHAIRMAN FRAZEE: FOR EXAMPLE, WHERE DOES  
14 MANUFACTURING BEGIN? THE ITEM 3, THE BOARD HAS THE  
15 AUTHORITY TO REGULATE THE STORAGE OF CONSTRUCTION  
16 AND DEMOLITION AND INERT DEBRIS. WHERE DOES --  
17 WHERE DOES STORAGE BEGIN?

18 AND TO TRY TO PUT THIS IN CONTEXT OF  
19 SOME REAL LIVE EXAMPLES, AND I KEEP GOING BACK TO  
20 THIS ONE, BUT A MAJOR PROJECT THAT I'VE BEEN  
21 WATCHING AT THE SAN DIEGO AIRPORT INVOLVES TEARING  
22 UP A LOT OF CONCRETE AND REPROCESSING IT ON SITE,  
23 CONVERTING IT INTO A MATERIAL THAT THEN IS LAID  
24 DOWN FOR ROAD BASE. YOU KNOW, DOES ANY PART OF  
25 THAT OPERATION FALL UNDER REGULATIONS?



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1                   MR. BLOCK:   AND THAT IS AN ISSUE -- THOSE  
2   ARE THE ISSUES THAT WE'RE GOING TO BE GRAPPLING  
3   WITH AS WE TRY TO DRAFT SOME REGULATIONS ON THESE.  
4   OFF THE TOP OF MY HEAD, THAT WOULD PROBABLY FALL  
5   INTO THE AREA WHERE WE WOULD HAVE TO DEFINE WHETHER  
6   THAT'S CONSIDERED A PRODUCTIVE USE OR NOT AND  
7   WHETHER OR NOT THERE NEEDS TO BE ANY LIMITS ON --  
8   YOU KNOW, CAN THAT MATERIAL STAY THERE FOR THREE  
9   YEARS BEFORE IT'S ACTUALLY USED AS ROAD BASE? OR  
10  DOES THERE NEED TO BE AN ONGOING OPERATION?

11                   THOSE ARE CLEARLY GOING TO BE ISSUES  
12  THAT TAKE SOME WORK.   LEGAL AUTHORITY ITEM ITSELF  
13  IS REALLY JUST SORT OF THE BROAD OVERALL ISSUES OF  
14  WHAT'S IN AND -- WITHIN THE BOARD'S JURISDICTION TO  
15  REGULATE AND WHAT'S NOT.   AND THERE IS CLEARLY ROOM  
16  FOR US.   WE'VE HAD ANOTHER REGULATIONS PACKAGE.  
17  THERE'S ROOM AROUND THE EDGES FOR HOW THAT'S  
18  DEFINED, AND IT DOES CHANGE FROM MATERIAL TYPE TO  
19  MATERIAL TYPE.

20                   THERE ARE THINGS, ISSUES REGARDING  
21  CONSTRUCTION-DEMOLITION DEBRIS THAT ARE DIFFERENT  
22  FROM SOME OF THE OTHER ONES THAT WE'VE DEALT WITH.  
23  THE STORAGE TIME BEING ONE OF THOSE.   WHAT WORKED  
24  FOR CONTAMINATED SOIL, ONE YEAR, APPARENTLY WHAT  
25  WE'RE HEARING FROM AROUND THE STATE, DOESN'T WORK.

1                   CHAIRMAN FRAZEE:   AND THEN THE DEFINITION  
2   OF CONSTRUCTION AND DEMOLITION, IT CAN BE ALL WOOD  
3   OR IT CAN BE ALL CONCRETE, AND THE STORAGE TIME MAY  
4   VARY --

5                   MR. BLOCK:   RIGHT.

6                   CHAIRMAN FRAZEE:   -- BETWEEN TYPES.

7                   MR. BLOCK:   EXACTLY.   THAT'S ANOTHER ISSUE  
8   THAT CAME UP AS WELL.   WE HAVE BEEN TALKING ABOUT  
9   THIS RULEMAKING AS CONSTRUCTION, DEMOLITION, AND  
10  INERT DEBRIS.   WE DID GET A LOT OF INPUT AT THE  
11  WORKSHOPS THAT, IN A SENSE, WE PROBABLY HAVE TO  
12  DEAL WITH THOSE THREE THINGS IN AT LEAST TWO  
13  SEPARATE CATEGORIES.   INERT BEING PERHAPS A SUBSET  
14  OF, BUT SOMETHING DIFFERENT THAN CONSTRUCTION AND  
15  DEMOLITION DEBRIS.

16                   CONSTRUCTION AND DEMOLITION DEBRIS  
17  CAN INCLUDE, THEORETICALLY, THE WAY SOME PEOPLE USE  
18  THAT TERM, THINGS THAT ARE NOT INERT.   AND THAT  
19  WOULD THEN YIELD SOME DIFFERENT STANDARDS THAT WE  
20  MIGHT OR DIFFERENT LEVELS OF REGULATION THAT WE  
21  MIGHT OR MIGHT NOT WANT TO APPLY TO THOSE.

22                   WE ARE -- I'LL JUST REPEAT IT AGAIN.  
23  WE'RE NOT ASKING FOR DECISIONS ON THOSE TODAY, BUT  
24  THOSE ARE DEFINITELY ISSUES WE'RE GOING TO BE  
25  GRAPPLING WITH.   WE ARE GOING TO BE PUTTING

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1       TOGETHER, AFTER THE COMMITTEE AND THEN THE BOARD  
2       HEARS THIS ITEM, A WORKING GROUP TO SIT DOWN AND  
3       START DRAFTING REGULATIONS AND DEALING WITH THOSE  
4       ISSUES.

5               MEMBER JONES: YOU HAD SAID, ELLIOT, THAT  
6       THERE WERE SOME INERT MATERIALS THAT COULD FALL  
7       UNDER AN EXEMPTION. I MEAN WE'RE NOT TALKING ABOUT  
8       BLANKET EXEMPTIONS FOR INERT MATERIALS, ARE WE?  
9       BECAUSE TIRES FALL INTO THE DEFINITION OF INERT AS  
10      EVERY ONE I'VE EVER SEEN.

11             MR. BLOCK: WELL, I'M CERTAINLY NOT  
12      TALKING ABOUT ANYTHING ONE WAY OR THE OTHER IN THAT  
13      REGARD. WHAT I WAS TRYING TO GET AT AND MAKE SURE  
14      JUST GOT INTO THE -- EVERYBODY'S THOUGHTS IN TERMS  
15      OF DISCUSSION IS THAT WE DO HAVE THIS EXISTING  
16      EXEMPTION PROCESS. THERE'S A PROCESS THAT THE LEA  
17      HAS TO GO THROUGH AND HOLD A PUBLIC HEARING AND  
18      MAKE VARIOUS FINDINGS. AND WE HAVE IN THE PAST NOT  
19      HAD TO DIRECTLY DEAL WITH THIS EXISTING REGULATION  
20      IN SOME OF THE EARLIER TIER PACKAGES, BUT WE  
21      CERTAINLY DO IN THIS PACKAGE BECAUSE WE DO HAVE, AS  
22      I SAID, I DON'T KNOW THE EXACT NUMBER, BETWEEN HALF  
23      A DOZEN AND DOZEN EXEMPT INERT DISPOSAL SITES IN  
24      THE STATE RIGHT NOW. AND SO WE ARE GOING TO HAVE  
25      TO DETERMINE HOW WE DO OR DON'T TREAT THOSE



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1       EXISTING SITES AND/OR FUTURE ONES.

2                       THAT ALSO LEADS INTO THE ISSUE OF  
3       WHETHER OR NOT WE NEED TO LOOK AT MORE SPECIFICALLY  
4       DEFINING INERT. AS I MENTIONED EARLIER, THE  
5       DEFINITION IS FAIRLY GENERAL IN THE REGULATIONS,  
6       AND THAT'S PRIMARILY BECAUSE IT DOES COME OUT OF  
7       THE WATER BOARD'S REGULATIONS, AND THEY'VE USED  
8       WDR'S TO FURTHER DEFINE THOSE. AND THAT'S WHERE  
9       THOSE ISSUES WILL COME OUT.

10                    HAVING SAID THAT, I DO NEED TO LET  
11       YOU KNOW THAT WE DID HAVE SOME WORKSHOP PARTICI-  
12       PANTS THAT WOULD ASK THE BOARD TO DO EXACTLY THAT,  
13       TO GIVE A BLANKET EXEMPTION TO ALL INERT MATERIALS  
14       FACILITIES THAT ARE OPERATIONS THAT HANDLE INERT  
15       MATERIALS. AND THAT'S ONE OF THE -- THAT'S SOME OF  
16       THE VIEWS YOU ARE GOING TO BE HEARING AS WE MOVE  
17       THIS PACKAGE THROUGH.

18                    MEMBER RELIS: I KNOW THERE'S SPEAKERS, I  
19       GUESS, BUT MY ONLY THOUGHT WAS, ASSUMING WE GET  
20       THROUGH THE LEGAL DECISION TODAY, THAT THIS IS AN  
21       AREA I KNOW WHERE I NEED MUCH MORE EDUCATION TO  
22       UNDERSTAND THE NUANCES BETWEEN, YOU KNOW, INERTS  
23       AND STORAGE. AND I DON'T REALLY UNDERSTAND THIS  
24       AREA AS WELL AS OTHER AREAS, AND I HOPE WE COULD

25        DEVELOP SOME SORT OF EDUCATION PROGRAM, IF THE  
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1       OTHER MEMBERS FEEL THAT WAY, THAT ARE LIKE WHAT WE  
2       DID WITH THE ASH, OR WE HAD SOME PRESENTATION IN A  
3       WORKSHOP-TYPE SETTING WHERE WE COULD INFORMALLY  
4       INTERACT AROUND A BODY OF INFORMATION SO THAT WHEN  
5       THE TOUGH WORK REALLY BEGINS AFTER WE MAKE THE  
6       DECISION ON THIS.

7               MS. RICE:   WE CAN CERTAINLY DO THAT, MR.  
8       RELIS.

9               MR. BLOCK:   I DO NEED TO SAY ONE  
10       ADDITIONAL THING.   BECAUSE OF SOME KINKS IN MY  
11       SCHEDULE, THE ACTUAL -- THIS AGENDA ITEM DID NOT  
12       MAKE IT INTO THE AGENDA PACKET.   WE DID FAX COPIES  
13       OUT ON FRIDAY TO AS MANY PEOPLE AS WE COULD, BUT  
14       WE, I'M SURE, MISSED SOME FOLKS.   AND SO IF THERE'S  
15       ANYBODY IN THE AUDIENCE THAT DIDN'T GET THIS AND  
16       WOULD LIKE A COPY, YOU CAN CONTACT EITHER MYSELF,  
17       MARCIA, OR BOB HOLMES.   AND ALSO, THIS ITEM  
18       ESSENTIALLY IN THE SAME FORM WILL BE IN THE BOARD  
19       PACKET AS IT MOVES FORWARD.   I WANTED TO MENTION  
20       THAT.

21              CHAIRMAN FRAZEE:   LET'S HEAR FROM CHUCK  
22       WHITE REPRESENTING WASTE MANAGEMENT.

23              MR. WHITE:   THANK YOU, MR. CHAIRMAN,  
24       MEMBERS OF THE COMMITTEE.   CHUCK WHITE WITH WASTE  
25       MANAGEMENT.   I WON'T TAKE MUCH OF YOUR TIME, BUT





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1       YOUR DISCUSSION SO FAR HAS REALLY HIGHLIGHTED THE  
2       ISSUE IS THAT THE ISSUES LAID OUT HERE ARE NEAT AND  
3       COMPARTMENTALIZED, BUT IN REALITY WHEN YOU GET INTO  
4       THE THING, THEY'RE NOT GOING TO BE SO NEAT AND  
5       COMPARTMENTALIZED. AND THEY IN MANY CASES WILL BE  
6       AT CROSS PURPOSES.

7                       I JUST POINT OUT AS AN EXAMPLE THAT  
8       THE ISSUE OF MINE RECLAMATION. AND WE CERTAINLY  
9       DON'T WANT TO GET INTO ARGUMENTS WITH OUR FRIENDS  
10      IN THE MINING INDUSTRY, BUT CLEARLY THERE ARE  
11      SITUATIONS WHERE YOU HAVE LANDFILLS THAT ARE ALSO  
12      MINE RECLAMATION PROJECTS. AND THE QUESTION, IS IT  
13      SOLELY A MINE RECLAMATION PROJECT OR IS IT ALSO A  
14      LANDFILL, OR DOES IT HAVE ATTRIBUTES OF BOTH? IF  
15      SO, HOW DOES THE BOARD GET IN AND REGULATE THOSE  
16      KIND OF ACTIVITIES, PARTICULARLY WITH CONSTRUCTION  
17      AND DEMOLITION DEBRIS?

18                     AS YOU POINTED OUT, THERE ARE A WIDE  
19      VARIETY OF DIFFERENT TYPES OF CONSTRUCTION-  
20      DEMOLITION DEBRIS. OUR COMPANY AND OTHERS DID A  
21      STUDY BACK IN OHIO TO SHOW THAT YOU CAN HAVE  
22      CONSTRUCTION, C&D WASTE THAT LEACHATE FROM,  
23      ALTHOUGH I KNOW THAT LEACHATE IS NOT YOUR PRIMARY  
24      CONCERN, LEACHATE DOES LOOK LIKE MUNICIPAL SOLID  
25      WASTE LANDFILL LEACHATE COMING FROM C&D WASTE.

1                   ON THE OTHER HAND, YOU CAN HAVE  
2   TOTALLY INERT WASTES THAT BASICALLY ARE FAR LESS OF  
3   A CONCERN BOTH FROM A LEACHATE GENERATION  
4   STANDPOINT OR DUST GENERATION STANDPOINT.  AND SO  
5   HOW DO YOU GET IN AND MAKE SURE THAT THERE ARE  
6   THOSE SITUATIONS?  AND THE LANGUAGE YOU HAVE HERE  
7   IN THIS AGENDA ITEM TALKS ABOUT C&D AND INERT  
8   DEBRIS WOULD NOT BE WITHIN THE WASTE BOARD'S  
9   JURISDICTION IF THEY CONSTITUTE PRODUCTIVE USES AND  
10  DO NOT FIT WITHIN THE DEFINITION OF SOLID WASTE  
11  DISPOSAL.

12                   I DON'T THINK I TAKE ARGUMENT WITH  
13  THOSE, BUT THE QUESTION IS WHAT DISPOSAL VERSUS  
14  WHAT IS PRODUCTIVE USE OF MATERIAL?  YOU MIGHT HAVE  
15  ONE STANDARD FOR TRULY INERT WASTE, BUT IT MAY BE A  
16  DIFFERENT STANDARD FOR MATERIAL THAT HAS A HIGHER  
17  DEGREE OF CONTAMINATION IN IT.  AND THESE ARE  
18  REALLY -- THE DEVIL IS GOING TO BE IN THE DETAILS  
19  WITH RESPECT TO THIS PARTICULAR REGULATION PACKAGE  
20  AND OTHERS AS YOU MOVE FORWARD INTO THESE  
21  NONTRADITIONAL WASTE HANDLING TYPES.

22                   I THINK THERE ARE PROBABLY WAYS WE  
23  CAN WORK IT OUT.  I THINK GENERALLY THE, IF NOT,  
24  CONSENSUS, THE CONSENT OF THE WORK GROUP SO FAR IS

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25        THAT THEY DO RECOGNIZE THAT THERE IS SOMETHING  
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1 CALLED INERT. THE QUESTION IS CAN YOU GUARANTEE  
2 THAT IT'S INERT? WHAT KIND OF PROCESSES AND  
3 PROCEDURES ARE OPERATORS USING TO ENSURE THAT IT'S  
4 INERT? AND IF IT IS TRULY INERT, THEN IT CAN BE  
5 SUBJECT TO ONE DIFFERENT STANDARD VERSUS MATERIAL  
6 THAT IS MORE COMMINGLED C&D WASTE AND MAYBE SHOULD  
7 BE SUBJECT TO DIFFERENT TYPE OF STANDARD FOR  
8 PARTICULARLY PLACEMENT ON THE GROUND AND IN THE  
9 LAND.

10 THAT'S MY ONLY POINT RIGHT NOW. I  
11 LOOK FORWARD TO WORKING WITH THE GROUP AS IT MOVES  
12 FORWARD. THANK YOU.

13 CHAIRMAN FRAZEE: EVAN EDGAR REPRESENTING  
14 CRRC.

15 MR. EDGAR: GOOD AFTERNOON, CHAIRMAN AND  
16 BOARD MEMBERS. MY NAME IS EVAN EDGAR REPRESENTING  
17 THE CALIFORNIA REFUSE REMOVAL COUNCIL. I SUPPORT  
18 OPTION NO. 2 TODAY FOR THE WASTE BOARD TO CONFIRM  
19 THE ANALYSIS AND WOULD HAVE LEGAL AUTHORITY TO  
20 REGULATE C&D AND INERT DEBRIS AND DIRECT STAFF TO  
21 SEEK ADDITIONAL INPUT. THIS IS KICK-OFF TO THE C&D  
22 TIERS.

23 IT'S GOING TO BE ABOUT A YEAR-LONG  
24 PROCESS. I LOOK FORWARD TO BEING ON THE WORKING

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25        GROUP .

1                   WITH RESPECT TO STAFF RECOMMENDATION,  
2       WE SUPPORT ITEMS 1, 2, AND 3 WHERE YOU STATE YOU  
3       HAVE A LEGAL AUTHORITY FOR C&D OPERATIONS. BUT  
4       ALWAYS COMES DOWN TO DEFINITIONS ABOUT 4, 5, 6, AND  
5       7 BECAUSE I BELIEVE THAT THE DEFINITION FOR C&D IS  
6       VERY GLOBAL. THERE'S A LOT THERE. IF YOU SEE THAT  
7       STUFF, THERE'S A LOT OF DIFFERENT TYPES OF  
8       MATERIALS; WHEREAS, INERT IS RATHER DEFINED.

9                   IN FRONT OF US TODAY WAS A PERMIT FOR  
10      ZANKER ROAD LANDFILL WHICH I REPRESENT. AND THAT  
11      LANDFILL TAKES C&D MATERIALS. THEY'RE ABLE TO  
12      DIVERT 97 PERCENT. THEY ONLY DISPOSE OF 3 PERCENT  
13      ON SITE. THAT WAS A SIX-YEAR PERMITTING PROCESS  
14      WHERE YOU GOT A FULL PERMIT. BUT IN THAT CASE IT  
15      WAS AT AN OLDER LANDFILL, BUT THERE ARE LOT OF  
16      ISSUES THAT THE WASTE BOARD HAS IN REGULATING AT  
17      C&D FACILITIES WHEN SITED AT A LANDFILL.

18                  SO WHAT I'M UP HERE ON THE TRAIL OF  
19      TIERS OVER THE LAST THREE, FOUR YEARS IS  
REGULATORY

20      EQUITY. AS REGULATORY EQUITY, SOMETHING THAT  
NEEDS

21      TO APPLY TO THE MINE RECLAMATION PROJECTS AS WELL  
22      BECAUSE THEY'RE DOING THE SAME THING WE'RE DOING.  
23      WE GET THE FULL PERMIT AND THEY WANT AN EXCLUSION.

24                  UNDER THE WATER BOARD, I GUESS,

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25        DEFAULT POLICY IS THAT THEY LOOK AT A 10-PERCENT  
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1 RESIDUAL, I GUESS, IN ORDER TO BE INERT MATERIALS.  
2 THAT DEFINITION IS ON PAGE 11-9 DEFINING INERT,  
3 SECOND PARAGRAPH. TALKS ABOUT, IN ADDITION, THE  
4 REGIONAL BOARD IS ALSO TO ALLOW A 10-PERCENT  
5 NONINERT TO BE INCLUDED WITHIN THE MATERIALS  
6 HANDLED. AND THAT'S A BIG NUMBER AS WE'RE FINDING  
7 OUT IN OTHER CASES. BUT THAT IS THE DEFINITION  
8 WE'RE USING. SO THERE'S A LOT OF DEFINITION THAT  
9 WE HAVE TO TALK ABOUT OVER THE NEXT YEAR.

10 I LOOK FORWARD TO WORKING WITH THE  
11 WORKING GROUP. THANK YOU.

12 CHAIRMAN FRAZEE: I'M CONFUSED BY YOUR  
13 STATEMENT NEXT YEAR. I THOUGHT WE WERE GOING TO  
14 HAVE THIS DONE BY APRIL.

15 MR. BLOCK: THE REQUIREMENT BY APRIL IS  
16 THAT WE HAVE SOME DRAFT REGULATIONS --

17 CHAIRMAN FRAZEE: DRAFT REGULATIONS.  
18 OKAY.

19 MR. BLOCK: -- IN OUR REPORT, NOT THAT  
20 REGULATIONS BE FINISHED.

21 CHAIRMAN FRAZEE: OKAY.

22 I DIDN'T -- LARRY SWEETSER FROM  
23 NORCAL WASTE SYSTEMS.

24 MR. SWEETSER: LARRY SWEETSER, NORCAL  
25 WASTE SYSTEMS, AND I'LL BE BRIEF ON IT ALSO. AS



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1        FAR AS THE AUTHORITY ISSUE, I THINK IT IS TIME TO  
2        GO AHEAD. I THINK I AGREE WITH THE STAFF, THAT  
3        THERE IS AUTHORITY FOR THAT. AND I HOPE WE'RE NOT  
4        GOING TO BE AT THIS POINT JUST ANSWERING THE  
5        AUTHORITY QUESTION TODAY AND GET INTO SOME OF THE  
6        DEFINITIONAL ISSUES PER SE THAT WE'LL BE TALKING  
7        ABOUT LATER TODAY.

8                        BUT AS FAR AS AUTHORITY, THERE IS,  
9        YES. I THINK YOU DO NEED TO FOCUS IT. THERE IS A  
10       BIG DISTINCTION -- AND I DID ATTEND THE WORKSHOPS  
11       AND TALK TO OTHER PEOPLE BETWEEN -- THERE'S A  
12       DISTINCTION BETWEEN C&D AND BETWEEN INERT. INERT  
13       IS A LOT EASIER TO DEFINE AND DEAL WITH EXCEPT FOR  
14       THE TIRE ISSUE OR ASBESTOS. WE CAN DEAL WITH THAT,  
15       AND IT'S A LOT SIMPLER TO DEAL WITH.

16                      WHEN YOU START DEALING WITH THE C&D  
17       ISSUE, YOU COME INTO NO DEFINITIONS, AND YOU WILL  
18       BE SEEING THIS LITTLE GRAPHIC AGAIN LATER, PROBABLY  
19       SEEING MANY A PICTURE OF THIS SITE. IT'S ONE OF  
20       YOUR 2136 NOMINEES. AND THAT IS DESCRIBED AS A C&D  
21       OPERATION.

22                      AND SO YOU NEED TO BE CAREFUL WHEN  
23       CONSIDERING THAT, JUST LIKE WE'LL BE TALKING ABOUT  
24       LATER TODAY, THAT THERE ARE THESE FACILITIES IN  
25       BETWEEN, THOSE OF US THAT ARE PERMITTED AND THOSE



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1       OF US THAT ARE OUTSIDE YOUR AUTHORITY.  AND I'VE  
2       TALKED WITH A LOT OF THE INERT PEOPLE, AND I THINK  
3       A LOT OF IT COMES DOWN TO THE DEFINITIONAL ISSUES,  
4       THE INERT VERSUS C&D, AND ALSO THE STORAGE TIME  
5       ISSUE.

6                       I DIDN'T SEE IT DISCUSSED IN THE  
7       STAFF REPORT, BUT ONE OF THE ITEMS WE WERE TRYING  
8       TO RAISE WAS THAT THERE'S A DIFFERENCE BETWEEN  
9       STORAGE TIME OF INCOMING PILES AND A DIFFERENCE  
10      BETWEEN STORAGE TIME OF OUTGOING PILES.  IF YOU  
HAVE MATERIALS THAT HAVE BEEN PROCESSED, AWAITING A  
MARKET OUT THERE, THERE'S LESS OF AN ISSUE BECAUSE,  
ESPECIALLY IN AN INERT CASE, IT'S INERT, IT'S NOT  
AN ISSUE.  BUT IF YOU HAVE A PILE SITTING THERE  
THAT HAS NOT BEEN SORTED AND YOU DON'T KNOW WHAT IS  
IN THERE, THAT NEEDS LIMITATIONS, THAT NEEDS  
CONTROLS.  SO WE'RE LESS CONCERNED ON AFTER IT'S  
BEEN PROCESSED, BUT BEFORE IT'S BEEN PROCESSED IS  
WHEN WE HAVE A PROBLEM SUCH AS THIS ONE HERE.  I'LL  
LEAVE IT AT THAT FOR THE MOMENT, AND HOPE YOU GO  
AHEAD WITH THE PACKAGE.

          CHAIRMAN FRAZEE:  OKAY.  THANK YOU.  THE  
ITEM IS BEFORE US.  THAT'S ALL THE SPEAKERS.

MEMBER RELIS: MR. CHAIR, I WOULD MOVE THE  
STAFF OPTION -- MAKE SURE I GET THE RIGHT ONE HERE.

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WHAT'S THE DIFFERENCE FUNDAMENTALLY BETWEEN 1 AND 2?

MR. BLOCK: THE ONLY REAL DIFFERENCE BETWEEN 1 AND 2 IS THAT, ONE, WE WANTED TO ALLOW SOME ABILITY OF THE COMMITTEE, IF WE HAD SOME TESTIMONY TODAY, WANTED TO GIVE US SOME SPECIFIC DIRECTION NOW ON SOME OF THOSE ISSUES, I WANTED TO LEAVE THAT OPEN AS AN OPTION. REALLY OPTION 2 IS -- WOULD BE TO ACCEPT THE STAFF RECOMMENDATION, WHICH IS ON PAGE 11-3 OF THE ITEM.

MEMBER RELIS: I'LL MOVE OPTION 2.

MEMBER JONES: I'LL SECOND.

CHAIRMAN FRAZEE: WE HAVE A MOTION AND SECOND TO ACCEPT OPTION 2 ON CONSTRUCTION, DEMOLITION, AND INERT ISSUE. SECRETARY WILL CALL THE ROLL ON THAT ONE, PLEASE.

THE SECRETARY: BOARD MEMBER RELIS.

MEMBER RELIS: AYE.

THE SECRETARY: BOARD MEMBER JONES.

MEMBER JONES: AYE.

THE SECRETARY: CHAIRMAN FRAZEE.

CHAIRMAN FRAZEE: AYE. MOTION IS CARRIED. AND IS THERE ANY PROBLEM WITH CONSENT ON THAT OR WE NEED TO --

MEMBER JONES: YEAH, CONSENT.

1                   CHAIRMAN FRAZEE:    OKAY.    CONSENT ON THAT.

2            OKAY.    WE'LL TAKE A LUNCH BREAK AND UNTIL 1:30?

1:30.   WE'LL BE IN RECESS.

5                                    (THE LUNCH BREAK WAS THEN TAKEN.)

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